

332141

JPRS 84493

6 October 1983

East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 2211

Reproduced From
Best Available Copy

DISTRIBUTION STATEMENT A
Approved for Public Release
Distribution Unlimited

19990720 069

FBIS

FOREIGN BROADCAST INFORMATION SERVICE

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

4
66
A04

NOTE

JPRS publications contain information primarily from foreign newspapers, periodicals and books, but also from news agency transmissions and broadcasts. Materials from foreign-language sources are translated; those from English-language sources are transcribed or reprinted, with the original phrasing and other characteristics retained.

Headlines, editorial reports, and material enclosed in brackets [] are supplied by JPRS. Processing indicators such as [Text] or [Excerpt] in the first line of each item, or following the last line of a brief, indicate how the original information was processed. Where no processing indicator is given, the information was summarized or extracted.

Unfamiliar names rendered phonetically or transliterated are enclosed in parentheses. Words or names preceded by a question mark and enclosed in parentheses were not clear in the original but have been supplied as appropriate in context. Other unattributed parenthetical notes within the body of an item originate with the source. Times within items are as given by source.

The contents of this publication in no way represent the policies, views or attitudes of the U.S. Government.

PROCUREMENT OF PUBLICATIONS

JPRS publications may be ordered from the National Technical Information Service, Springfield, Virginia 22161. In ordering, it is recommended that the JPRS number, title, date and author, if applicable, of publication be cited.

Current JPRS publications are announced in Government Reports Announcements issued semi-monthly by the National Technical Information Service, and are listed in the Monthly Catalog of U.S. Government Publications issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence pertaining to matters other than procurement may be addressed to Joint Publications Research Service, 1000 North Glebe Road, Arlington, Virginia 22201.

6 October 1983

EAST EUROPE REPORT

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 2211

CONTENTS

ALBANIA

- Importance of Party Work in Armed Forces
(Meto Metaj; RRUGA E PARTISE, Jun 83)..... 1

GERMAN DEMOCRATIC REPUBLIC

- Officials Speak Out on Church-State Relations
(TRYBUNA LUDU, 9 Aug 83)..... 10

POLAND

- Provincial Party Activities Reported
(Various sources, 29 Jul, 18, 22 Aug 83)..... 13

Bydgoszcz-Wloclawek Ideological Indoctrination
Party-Economic Aktiv Meeting at Rzeszow
Further Details on Rzeszow Meeting
Fulfilling Ninth Party Congress Resolutions,
Zdzislawa Kurek Interview

- Position of Armed Forces Within Political System Discussed
(Jerzy Muszynski; WOJSKO LUDOWE, No 4, Apr 83, No 5,
May 83)..... 21

- Central Committee Member Views Upcoming Plenum
(Zdzislaw Daniluk Interview; SZTANDAR MLODYCH,
5 Aug 83)..... 40

ROMANIA

- Government, Party Concern About Corruption
(Dionisie Ghermani; SUDOST-EUROPA, Jun 83)..... 44

- Trade Agreements With CEMA, Non-CEMA Countries
(Victor Babiuc, Grigore Florescu; REVISTA ROMANA DE
STUDII INTERNATIONALE, Jul-Aug 83)..... 53

IMPORTANCE OF PARTY WORK IN ARMED FORCES

Tirana RRUGA E PARTISE in Albanian Jun 83 pp 50-58

[Article by Meto Metaj: "The Party Work in the Army Is, First of All, a Work With the People"]

[Text] The Eighth Party Congress reemphasized that the construction and defense of socialism and the successful confrontation of the encirclement, blockade and pressure of the capitalist, bourgeois and revisionist world require people who are formed and imbued with the Marxist-Leninist understanding and tempered as consistent revolutionaries. Therefore, as everywhere, also in our armed forces, the educational, formative and tempering activity of the party organs and basic party organizations has held and is holding a position always increasing in importance.

The communists and the basic party organizations in the army and in the field have carried out and are carrying out a broad work, at an ever increasing qualitative level for the understanding, implementation and defense of the party's political line in the army, for the fulfillment of the important tasks which the party has set forth before the army and before all the soldier people in the present aggravated international situations, in which the superpowers and other imperialist forces are encouraging and keeping alive local wars and are preparing to unleash a worldwide war. This work has greatly influenced the elevation to a higher level of the organization, training and military preparedness of all our armed forces.

It is understandable that, because of the character of our army, as an army born from the bosom of the people and which defends the basic interests of the people, and because of the fact that "our party has never relied on foreign aid or on various international situations for the defense of the fatherland, but, on the contrary, it has relied mainly on the internal factor, on the strength, patriotism, and courage of our people and on the comprehensive training and constant military preparedness of the entire country for defense" (Enver Hoxha, "Report to the Eighth Congress of the Albanian Workers Party," pp 95-96), the educational, formative and mobilizing work with the members of our armed forces always remains the main task of the party organs and basic party organizations in the army.

1.

At the Eighth Party Congress it was stressed that "The work of the party is, first of all, a work with the people--work for the education, enlightenment, mobilization and organization of the people" (Enver Hoxha, "Report to the Eighth Congress of the Albanian Workers Party," p 71). The same holds true for the army with its main objective the creation of sound and deep convictions of the comprehensive superiority of the socialist system over the capitalist system, and of the necessity and possibility of the defense of the socialist fatherland from any kind of aggression--the convictions which make our soldier and cadre orient themselves correctly, remain unshakeable in all situations, however difficult they may be, stand in revolutionary positions and implement the tasks with high awareness and strict discipline.

Experience has taught to the basic party organizations in the army that people, politically and ideologically formed, implement their tasks on time with quality and with high awareness of responsibility; that the communists, who thoroughly understand the ideological content of the norms of the party, consequently execute them; and that the cadres and soldiers, who have created deep convictions that only by doing so can discipline and military regulations be strengthened, that programs should be implemented in a qualitative manner, that the service should be carried out vigilantly and that the inviolability of the fatherland should be assured--promptly execute the orders and requirements of the regulations. Therefore, the party organs and basic party organizations in the army are enriching and improving the forms of educational work with all members of the defense structures and are scoring successes in the struggle against the underestimating thoughts and attitudes of any military cadre, who erroneously believes that the main place in the work style and method of the army belongs to orders and not to the living, continuing and differentiated formative educational work which creates, among people, inner convictions about the execution of orders with awareness.

Of course, the army has its own specific nature and, as everywhere else, especially, in the army, the tasks are not executed and discipline and order are not applied only through educational work, only by appealing to the people's awareness. However, every specific element of work in the army does not change at all the general rule, according to which every activity, be it of a military, technical, organizational or economic nature, is carried out by people and that each individual, in the final analysis, acts according to his convictions, in accordance with his views on life. Therefore, also in the army, the people's convictions stand at the base of every attitude and activity.

The party teaches us and practice has proven that the effectiveness of the educational work improves when it is developed in a living manner for concrete problems in a differentiated manner with different categories of people. Relying more and more on this teaching and conclusion, the party organs and organizations in the army are increasing their efforts so that the work for the clarification and thorough understanding of the great problems which the party solves in the process of the socialist construction and defense of the country will be closely linked with the daily concrete tasks which the party executes and with the issues which are solved by the military unit, section

and subsection and by each soldier in his combat post. For this purpose, along with the ideological and political work scheduled for the unit, the section or subsection, the small political work, on daily concrete issues in a differentiated manner, in groups and with individuals is playing a more and more important role and is being given a greater place.

A rich experience is being amassed in the specific work which is being carried out with the people, especially, in the process of the fulfillment of the tasks. In the small exercises and in the tactical-complex training political and ideological work is being put more and more on the daily agenda of the tasks to be solved by the section or subsection, of the new matters to be treated or of the matters which present more difficulty and which require a greater mobilization of the people in order to be implemented. A rich experience is also being amassed in the actions for fortification works, where a differentiated and concrete propaganda work and a living and mobilizing competition are taking place, which arouse in soldiers, revolutionary prestige and improve labor productivity.

Nevertheless, the drafting of an educational work for problems with most concrete objectives and its development with forms which bring it as near as possible to the people, so as to confront their particular concerns, remain a task requiring more attention in the future. The point is that, afterwards, while developing better the massive ideological-political work, scheduled with known influences in the formation of the people's views on life, the work, which must be carried out in regard to everyday special issues with groups or with particular individuals, must never be underestimated.

It is a fact that the generally satisfactory political-ideological level, characterizing our armed forces, facilitates the work of the commands for the implementation of the scheduled tasks. Nevertheless, not all maintain the same, conscientious and serious attitude toward the serious tasks and not all achieve great results in their fulfillment. One underestimates the importance of the fulfillment of a task; another, although he considers it important, still doubts that it can be carried out and, therefore, retreats in the face of difficulties; another person does not have necessary experience to fulfill the task. Even the attitude of the mass of soldiers, of the communists and of the cadres toward those who fail to fulfill their tasks or who retreat in the face of difficulties is different. In these cases, the majority of them, have a friendly and critical attitude. However, there are also people who show tolerance toward the faults of their comrades or subordinates.

All these things show the necessity to have a differentiated work, even a tete-a-tete, with different categories of people. Many people can be enlightened and can learn about special matters, but this can be done only if a high level of ideological-political work is developed in units, sections and subsections and only with the outstanding example of the best elements. However, there are also people who need to have standing beside them and working more concretely with them the commissar, the communist, the cadre and the comrade, whose warm and convincing words enlighten them in regard to the things which prevented them from fulfilling their ideological-political work at a broader level, inspiring them, increasing their courage and optimism and mobilizing them for revolutionary actions.

The attitude of those cadres and some basic party organizations in the army, who, although they know about these requirements, nevertheless continue to carry out with the people a global and normal ideological and political work even in days of special anxiety, should be criticized. Some time ago, a tank section had to develop a training with combat firing. However, on the day when all soldiers and cadres were fully mobilized, when everyone was giving as they say "the final touch" to the preparations for implementing the tasks entrusted to him, the party bureau had planned to make the presentation: "Combat firing--an important action for the personnel." It was obvious that this was not the proper time for this subject. Being so wide and so global, the theme did not respond to the problem that concerned the section that very day and did not strike where it should strike. Why? Because, in general, the general situation in the section was in order, and the soldiers were expressing a spirit of high mobilization. But what kind of aid did they need that day? They wanted aid to correctly conceive and implement some concrete elements, such as the protection of the combat formation during firing, the cooperation between the tank subsections and the infantry and so forth. The ideological-political work to be developed in that global theme did not properly respond to these concrete elements of which the soldiers were most in need.

The construction of specially-tailored work requires not only the knowledge of the life and of the problems which stem from it, but also of the people who solve these problems. The basic party organizations in the army have favorable conditions in this field, but they also have difficulties, achievements and shortcomings.

The good thing is the fact that all new military men come to the military units from the work collectives and schools where, until their arrival, work had been carried out for their communist education. Also, the living reality of socialism and the direct participation of those, who have recently joined the ranks of the army, in the action of the socialist construction of the country, have made it possible for the army men to understand and to assimilate the basic principles of Marxism-Leninism and of socialism and, among them, the necessity of preparedness for the defense of the socialist fatherland.

The fact that the new army men are filling the ranks of the units all at once and in relatively great number creates some difficulties for the cadres and the basic party organizations that have to know, at close range and relatively quickly, the particular characteristics of each army man, including his nature, character, disposition, psychology and so forth. Of course, this process of knowing people cannot be implemented nor completed within a day, within a week, or within a month. On the contrary, it continues and is enriched during the entire period which the young soldier does his military service. In emphasizing this, we take into consideration the fact that there are cases showing that this characteristic of the process of knowing--its continuing nature--is not conceived and implemented in a proper manner by cadres and commands. In practice it happens that while during the first period of the arrival of the new army men in the units an effort is made to get to know them; later on everything is considered as known by some cadres and commands, the types and characters are "smoothed out," thus, leading to "smoothing out" and globalism in educational work with them.

The experience of those basic party organizations and units that continue the process of knowing their men during all the time that they are doing their military service shows that their organizational work is more varied, more skilled and more fruitful; this fact further consolidates in each soldier what is positive in him and combats everything which is foreign in him.

The construction of the most concrete and differentiated work with the people requires that the party organizations, the youth organizations, the commissars and other cadres always take into consideration the fact that massive educational and propaganda work with the people is essential, but that it cannot handle all the problems that emerge. Each man has a character, a disposition, an ideological-political formation and world-outlook and a determined level of capabilities which should be expressed in his attitude toward duty. Therefore, the necessity also emerges that a differentiated work be carried out with specific categories, groups and individuals, for special duties.

Of course, the development of such an educational work has its difficulties. Therefore, if in practice we encounter contradiction between acceptance by all, in principle, of the values of the differentiated work and its execution, this is not by chance. In this attitude there is expressed not only, and not always, the lack of readiness to deal with such work, and also the lack of expressions and of skills to confront the difficulty of the work and to do it well, and this even for the only reason that, while in the case of massive ideological-political work all are spoken to with the same language, in the case of a differentiated tete-a-tete work, the language must be changed in accordance with the individual characteristics of the people and of the problems that disturb them.

The knowledge of these characteristics and of the problems and mentalities of people and of a phenomenon which has begun to crystallize into a tendency as well as the determining of the most fruitful forms and methods of work with the people requires more observations and studies. Without denying the present achievements the necessity emerges that from now on study work in the army should be elevated to a higher qualitative level; it should better serve the mobilization of army men to implement their tasks, and must not remain a purpose in itself.

2.

The creation of sound and strong convictions has always required an educational work with a great argumentative force, based on convincing arguments of a general theoretical and practical character and on practical arguments, taken from the concrete activity of the men from the unit or the section, or from other units and sections that work under similar conditions.

The progressive example in itself is a strong argument which educates, convinces and inspires only through its appearance and recording. However, it becomes even stronger when the educational work brings into the open the motives, especially the political and ideological motives of the progressive example, whose fruitfulness is made concrete by the greater achievements of the unit or the outstanding individual. We find this progressive experience everywhere in the

in the army--in the field and in various activities, in the units, in the sections and even in individuals. But in order for this experience to be embraced and disseminated in a wide manner, becoming a banner in as many as possible units and sections and an encouragement for the revolutionary prestige of soldiers and cadres, it is necessary to devote greater attention to some matters concerning work for its dissemination and implementation.

First, every initiative, before being generalized, must be properly consolidated in every section, subsection and individual where it was initiated; its motives must be clarified and its results must also be noticeable, because every positive experience attracts, captures you and inspires you to greater achievements; however, an experience--which was not [initiated] by chance and by the moment, which has resisted time and which has proven its fruitfulness for a long period--is more convincing. There are many sections, subsections, ships, crews and individuals that for many years have been holding the "exemplary" title, that have made themselves well known and have created for themselves such a sound opinion which honors them and, from whom, other people are learning. Their work and results are convincing arguments for anyone. It is different in those cases when the situation or the results are not firm and, especially, when the political and ideological motives, which have encouraged and inspired the persons or units to achieve distinction are not known. Stripped of these motives, the propaganda work for the generalization of the positive example diminishes and does not exert the required influence.

Second, progressive experience is more convincing when it is analyzed in the light of the roads followed and the scientific methods and organizational forms used to achieve this or that result. Thus, the progressive experience becomes more credible, it is assimilated better and becomes more useful to others. However, even though this is a known lesson, it happens in some analysis talks, meetings, encounters, face-to-face meetings and in other activities of this nature, organized in the army under the pretext of a "critical and self-critical examination" of activities, that the achievements are briefly reported and even less light is shed on the path followed by the best elements, thus failing to create the complete image of the exemplary work of the progressive people, for the other people.

It is appropriate to stress here that the directive of the party not to fall into self-satisfaction and not to get intoxicated by our successes has nothing in common with the trend of some cadres and commands that pay greater attention to shortcomings and mistakes. Of course, people draw lessons and conclusions from them and from criticism, but this is inadequate for becoming inspired and learning from the best elements and rising up to their level. Whoever is criticized needs to know the path which he should follow in order to correct his mistake or to eliminate his shortcomings. He also needs to be shown how he can overcome difficulties and how he can emerge from backwardness so as to align himself with the best elements.

In the work for the generalization of the positive example another incorrect trend is observed. In certain advanced cases it is necessary to be perfect, while it is known that often it is difficult to find yourself in such a situation. The revolutionary work method demands that what is positive be sought,

discovered and supported even when it is minor or partial. Its elements exist everywhere, in every section or subsection down to the individual. Whoever works properly, solves a difficult task and shows an example of sacrifice, deserves good words which encourage him, and the others, to continue doing even better. The wider and more fruitful use of moral incentives assume a particular importance at the present period while all our armed forces are struggling to go to the 40th anniversary of the creation of our People's Army with as many successes as possible.

Evaluating the great argumentative and convincing force of the positive example in the educational work, the need of the communists, cadres and soldiers for the expansion of their general ideological and theoretical formation must not be underestimated. The Eighth Party Congress made it clear that the convictions and socialist awareness which are created during actual life are insufficient if they do not rely on a strong theoretical base. Guided by this teaching, the party organs and basic party organizations in the army are devoting particular attention to the assimilation of Marxism-Leninism and to the teachings of the party and of Comrade Enver Hoxha by the communists, cadres and all the personnel. This ideological-theoretical formation has been useful to the communists and cadres, enabling them to carry out a convincing and documented theoretical, political and ideological work with the soldiers.

The communist and the cadre do not study in order to be simply erudite and to discuss matters competently in classes. The assimilation of theory helps them, first of all, to temper themselves properly with Marxist-Leninist ideology, then to be prepared to execute their tasks with high quality, as distinguished political and social militants, as competent agitators and propagandists of the line and policy of the party and as men who work with the masses, enlightened, convincing and mobilizing them. When they use these goals as a starting point, then they try to remove themselves from the academic assimilation of theory, penetrate into the core of theory and capture the most essential element which makes them think and reflect, review their thoughts and attitudes, as well as those of the other people, destroy all incorrect concepts and attitudes, and rise to the level of revolutionary activity using Marxist-Leninist theoretical theses as guidance for action.

The education of the new man, with deep and firm Marxist-Leninist, revolutionary and socialist convictions, is achieved through a long and difficult path of a living and dynamic work. In an ideologically formed man, in whom Marxist-Leninist theory and the teachings of the party and of Comrade Enver Hoxha constitute the basic characteristic of his convictions and nature, every attitude and activity has a revolutionary content. He does not permit foreign concepts and attitudes; he is vigilant toward the class enemy and a man of sacrifice.

3.

For the creation of deep and lasting revolutionary convictions in every communist, cadre and soldier, a revolutionary work method, a thoughtful and skilled method in the struggle against the manifestations of scholasticism and formalism and of bureaucracy and stereotype, which the work with the people does not allow, is required.

Man is not an automaton; he is a human being, with feelings and thoughts, and as such, he is not only an object but also a subject of education. He cannot immediately eradicate a concept, a mentality or an old habit of action and replace it with a new one. "It is easy to transform an unproductive field into a productive one," Comrade Enver Hoxha said, "but it is very hard to transform a man with prejudices and remnants who, despite his desire, has difficulty in learning and eradicating them" (Enver Hoxha, "To the Aid of the People's Army," Vol II, p 317).

In regard to the complex nature of each man, in the educational work with him, patience and especially confidence in the possibilities for the formation and strengthening of the revolutionary concepts in him are important. Practice shows that, even that soldier or cadre who has some remnants or a habit and who sometimes may appear to be incorrigible, has a "weak spot" in him and if you find it and keep persistently after it, you will find the way to correct it. There is a whole experience in the army, in this field; it can and must be studied, generalized and implemented on a wide level by everyone.

Lenin used to say that you must know how to carry on agitation; and he used to stress that to carry on agitation work properly and in the most effective manner each agitator must pay attention to the tendencies, habits, bad habits and abilities of others, but he also must sort out his own means, possibilities and abilities. Only by doing so and by seeing your own character, the means, methods and the tact which you use with a critical eye, can you draw lessons and construct and reconstruct your work with the people, and sometimes you have to start it again from the beginning until the desired result is achieved.

To improve the effectiveness of the educational work with the people, particular concern must be given to the correct construction of the entire complex of relationships established between them during the work process for the fulfillment of the tasks. In the army there is a military hierarchy, there are commanders and subordinates and there are cadres and soldiers; however, responding to the revolutionary people's character of our army, the social spirit, the warmth, the fraternal attitude, sincerity, love and reciprocal trust toward each other constitute the basic characteristic of relationships between them. These relationships are of this kind because our cadre considers the section as his family, and the soldier as its member. They work and solve their tasks together. Seeing this warm attitude of his cadre, the soldier increases his respect for him and his confidence in him and works in a mobilized manner.

The order is an important norm on which relationships are constructed in the army. Order is an essential condition for implementing the tasks and for the existence of a strong discipline. The correct execution of an order is the proper implementation of the task with good quality and on time; the contrary is violation or failure to execute it properly, and it is accompanied by negative consequences in the fulfillment of the tasks. When there is violation of the order, however insignificant it may be, the one who has given the order must seek the reason both for the sake of others and for his own sake. Thus, a correct and objective judgment will be made in regard to the problems; and those frictions, which can emerge in some cases between cadres and soldiers,

and those manifestations of arrogance and pride or of liberal concessions, will be eliminated. The cadre is required to properly understand the feelings of the people and to know how to keep a correct attitude in relationships with them, without engaging in brutal actions when he asks them to give account and without being soft and tolerant when he should be firm. "A simple soldier can be hot-tempered," Comrade Enver Hoxha teaches us, "but the commander must be prudent and must not be impatient for he is more mature, has more experience, has wider education and has more seniority in the party; while, the soldier who may not even be in the party is young, with less experience than the commander" (Enver Hoxha, "To the Aid of the People's Army," Vol II, p 320).

The effectiveness of sound relationships is better seen, especially in the minor training, in tactical training, in firing practice, in fortification works and so forth. In these cases, relationships are established and improved in harmony with the various phenomena that are manifested. The best virtues and qualities of the people, which the party organization, the youth organization, the communist or the agitator seeks to generalize, are discovered during work activities. However, it is also in work that remnants and concepts, foreign to our man, and bad habits and other negative phenomena, are more openly recorded. Lessons and conclusions are drawn from these and serve as bases for the regulation of the "marking" of educational work.

The collective's criticism of the wrong concepts and attitudes of a man also educates and corrects this man. However, this needs to be understood and implemented in a better manner, with a warmer social spirit. It is important to stress here that a man must be told what is wrong with him, without offending him, and he must not only be criticized, but also shown how to correct himself and above all he must be kept near and be helped so that he will overcome his shortcomings and weaknesses.

The educational work with soldiers can be carried out and must be carried out by all the people, such as, for example, training directors, commissars and communists, agitators, youth organization secretaries and outstanding soldiers. The comments which training directors make and those made by soldiers to each other, and the encouragement given to somebody because of his good work are all examples of work with the people. Developed in this manner, near the problems and in a natural manner, without always requiring long and massive meetings, big words and extensive writings, the educational work becomes more concrete and more dynamic, a fact which greatly increases its effectiveness.

9150

CSO: 2100/64

OFFICIALS SPEAK OUT ON CHURCH-STATE RELATIONS

Warsaw TRYBUNA LUDU in Polish 9 Aug 83 p 7

[PAP article: "GDR: State-Church Relations"]

[Text] Berlin. In the State Secretariat for Church Affairs, a special representative of PAP, Eugene Guz, discussed State-Church relations with the acting director, Deputy State Secretary Herman Kalb and with department director Dr Hans Wilke. Protestants constitute a clear majority in the GDR. Therefore, the questions and answers were limited to the relations between the state and the Protestant Church. How are these relations shaped? Is this just a modus vivendi or perhaps something more?

[Answer] It is probably something more than a modus vivendi. Inherent in the constitutional principles of a socialist state is the aspiration toward cooperation within a reasonable framework. Against this background, over the course of many years mutual relations developed, the tenor of which is considered satisfactory by both parties. The meeting between the chairman of the Council of State, Erich Honecker, and the leadership of the Protestant churches in the GDR, headed by Bishop Dr Albrecht Schoenherr, which took place on 6 March 1978, was a significant turning-point in the process of seeking a constructive form of dialogue. During the meeting, which was businesslike and characterized as well by mutual trust, Erich Honecker concluded that many opportunities for cooperation are opening up today and in the future to the Church, which sees itself as a Church acting within a socialist structure. In this connection, the authorities stand on the premise of the equal and equally respected participation of all citizens in the building of socialism, because the social interest coincides with the individual interest. The realistic formula "the Church within socialism" and not "next to" or "against" socialism was devised not in government offices, but within the Protestant clerical circles; and it has become for the Church's leadership the platform for contacts with the government.

Thus, churches have adopted an attitude of respect towards the development of the GDR in the direction of socialism, and the state respects fully the integrity, independence and autonomy of the Church in its pastoral mission. The noncommittal attitude of religious believers towards the socialist state began to change with time, making room for a growing involvement, as soon as they

became convinced that the state does not discriminate against them, but only expects them to fulfill their civic duties, without which there can be no talk or rights. Differences in world views do not prevent cooperation for the general good.

[Question] How does this manifest itself concretely?

[Answer] It is not so much the official endorsement by the churches, but their acceptance of the political ABC's of the state for instance the campaign for peace, support of the economic development of the country, support of its social program. On the last point, the churches do not limit themselves to mere declarations, but they collaborate actively in its implementation. The government in turn treats clerical activity as a part of its social program. And thus in spite of the separation of Church and state, there are common areas which entail contacts and exchange of views. Financially, the churches are self-sufficient, but where it comes to furnishings, buildings and services for the whole community--the state participates financially as well.

[Question] So, are there no conflicts?

[Answer] Beside areas of common interest there exist also areas of conflict, sometimes greater, sometimes smaller. It is clear that the relations are not without problems; it is not always and in all areas of contact between Church and state that their attitudes coincide. This is nothing extraordinary, since the wider the areas of contact grow, the greater the number of problems. The policy of the state toward the Church is not always properly reflected locally, but this is what happens with other decisions of the government as well, and one must live with it. Over 30 years' experience in this regard is not discouraging to either party.

[Question] The participation of Protestant churches in the peace and disarmament movements has recently increased considerably. What is the attitude of the government towards these initiatives?

[Answer] That is true. It seems that never before in the history of the GDR have Church followers participated so actively in the peace movement as at present, but the circumstances are also very favorable. The pronouncements of the Church in this area are immensely valuable and can be received only with appreciation. It is worthwhile to remember that in connection with the second extraordinary session of the United Nations for disarmament, the Protestant churches of the GDR issued an appeal to all the Protestant communities in our country to pray for peace. "Peace weeks" and special religious services have been organized. Recently, at the World Congress of the Ecumenical Council of Protestant Churches in Vancouver, it was the delegation of Protestants from the GDR in particular that came out with the formal proposal to call a world peace meeting with the participation of all Christian denominations to seek ways to secure peace and counteract the madness of armament.

[Question] Are any outside efforts, and if so what kind, being made to disturb your state-Church relations?

[Answer] Such efforts are taking place. In the area of peace activities, our political adversary, mainly from across the Elbe, is trying to talk the Protestants in the GDR into creating a separate peace movement, with a totally different undercurrent. An answer to this proposal was given by, among others, the head of the National Protestant Church of Anhalt, Bishop Eberhard Natho, who said. "The Protestant Church is not a party in opposition, which can be swayed into taking a certain political position, or to demanding from the state a part in governing the country." There are all kinds of efforts being made to politicize the clergy. Western publicists play a major part in this by trying to spread distrust and create a climate of tension between the state and the Church. Since the official Church leadership does not let itself be misled in this way, efforts are being undertaken to create new structures within the Church which have nothing in common with pastoral activities. But those are just some numerically insignificant splinter groups, which achieve notoriety only owing to Western publicists. Manfred Stolpe, a dignitary of the Protestant Church, recently criticized the Western mass media for depicting in a distorted fashion the situation of the Church-followers in the GDR, and its state-Church relations.

[Question] What is the extent of secularization in the GDR?

[Answer] The state does not maintain statistics on believers. If we use the statistics of the Church, then of almost 17 million citizens there are 7.7 million Protestants, 1.2 million Catholics, 200,000 members of other denominations. The rest do not declare themselves members of any denomination. Besides, not all those who declare themselves are practicing. The numbers alone do not fully reflect the rich process of secularization in our society, but this is already beyond the purview of our interest.

12470

CSO: 2600/1174

PROVINCIAL PARTY ACTIVITIES REPORTED

Bydgoszcz-Wloclawek Ideological Indoctrination 7-127

Bydgoszcz GAZETA POMORSKA in Polish 29 Jul 83 p 3

[Article by Z.J.: "Work of Polish United Workers' Party Provincial Committee [KW PZPR] Executive Board in Bydgoszcz and Wloclawek; Function of Information Within the Party"]

[Text] In Bydgoszcz several systems were introduced for imparting commentaries and current information to all basic party organization [POP] units. Since March 1981 the informational service WOIiKI entitled NASZE ZDANIE has been appearing, with an initial circulation of 4,000 copies, currently 6,000 copies. This publication is printed in such a manner that it can likewise be placed on display stands. As a rule it reaches all employment plants. In 107 issues published to date and 4 special issues of NASZE ZDANIE, 624 titles of material from various spheres of ideological-political life have appeared. A survey conducted reveals that 88 percent of those questioned regarded NASZE ZDANIE as a very useful periodical in the expansion of party work. It must be stressed that it is edited by the social aktiv.

Every 2 to 3 weeks, from 500 to 3,000 copies of a bulletin entitled INFORMACJA SPOLECZNO-POLITYCZNA appear in circulation. It it are published local, current single topic materials, and also the texts of plans, resolutions, etc under discussion. A bulletin entitled PRZEGLAD PRASY published by WOIiKI also proved to be helpful to the party propaganda aktiv. Twenty-eight editions of that review have appeared. Up to June 1982 it appeared in biweekly intervals. Its publication was halted in conjunction with the appearance of central bulletins of a similar nature.

WOIiKI, in addition to the daily sociopolitical information that is duplicated and made available to base party echelons, also publishes drafts of textual posters and semiposters serving to popularize the current problems of socio-political life. Likewise well received was the sonic--if it could be called that--bulletin scheduled for 17 factory broadcasting stations.

The bulletin entitled PUNKT WIDZENIA, published by the Town Committee of the Polish United Workers' Party [KM PZPR] in Bydgoszcz, is a very popular periodical in employment plants. It makes it possible for the aktiv to exchange experiences and opinions, and stimulates discussions at party meetings. However, it mainly popularizes favorable experiences of basal party organizations. PUNKT WIDZENIA became the general channel for information on echelon resolutions.

The Executive Board of the Provincial Committee [KW], on a motion of Henryk Bednarski, first secretary of the Provincial Committee expressed gratitude to the aktiv which occupies itself with publications within the party. They played a very outstanding role, joining the current of ideological struggle in the past 2 years.

The KW Executive Board became familiar with the accomplishments to date of the Pomorze-Kujawy Sector of the Journalists' Association of the Polish People's Republic [PRL]. The information was reported by Czeslaw Sobiecki, editor and sector chairman. The sector consists of almost 200 members (out of 280 active journalists in the region). The KW Executive Board expressed esteem for all members of management and joint organizers of the Pomorze-Kujawy Division of the PRL Democratic Party [SD], and especially for editor Zdzislaw Jastrzebski.

During its meeting, the Executive Board discussed the cadre situation in health service and became acquainted with information from Bogdan Krolewski regarding socioeconomic results in the first half-year. We shall return to these problems in the columns of GAZETA.

Party-Economic Aktiv Meeting at Rzeszow

Rzeszow NOWINY in Polish 18 Aug 83 pp 1, 2

[Article by DK: "Efficient Harvest Operations; Review of Ideological-Educational Endeavors"]

[Text] One of the principal topics of yesterday's Executive Board meeting of the Polish United Workers' Party Provincial Committee in Wloclawek was the present state of harvest progress. More than 60 percent of surface cultivation has already been mowed from 154,000 hectares, and about 35 percent was removed from the fields. Rogowo Skrwilno, Lubien, Rypin and Skepeagminas are leading.

There are increasingly fewer problems with the absence of red tape. Next Monday at the latest, imported supplies should arrive in the province. The supply of lubricants is surprisingly good; also there is no mention of major difficulties with spare parts.

The procurement of grain surpasses all expectations. It is estimated that 34 percent of the plan has already been completed. Most advanced is Badkowo Gmina where procurement reached up to 94 percent of the plan; then Tluchowo--60 percent; Koneck--57 percent; Dobrzyn, Lubraniec, Radziejow--over 50 percent. Of course this issue took up a good deal of the discussion. Members of the executive board directed questions concerning provisions for proper procedure for

procurement action to the address of present administration representatives. Emphasis was placed on the urgency for an earlier preparation of reserve storage areas, as well as the taking of steps that would make it possible to avoid accumulation of supplies, and the sending of farmers from one point to another.

The present state of the harvest was regarded as good. Also stressed was the need to honor harvest toil and favor leading gminas, farmers and plants.

A considerable portion of the conferences was occupied with a review of the ideological-educational campaign during the 1982-1983 school year. A very keen and critical assessment of undertakings to date was conducted, introducing sources of weakness still appearing. A general motion of the Executive Board concerns the fact that the level of the ideological-educational campaign also represents the reflection of the activity of a given party organization, and therefore, the publicized remarks had a broader context than appeared from the topic. The necessity for disciplinary action regarding members of the organization was stressed, as well as the urgency for greater aid to socially-active secretaries, especially in smaller organizations.

The KW PZPR Executive Board stated that visible improvement in the school system had begun--from an organizational, as well as a meritorious point of view. However, considerable discrimination is observed emerging between the individual sectors on all levels of provincial party organization. Special motions addressed to the Department of Ideological Education of the KW PZPR, the Regional Center for Party Work [ROPP] and local party echelons will serve to eliminate these differences and other weaknesses.

The KW PZPR Executive Board also reviewed the implementation of socioeconomic assignments in the first half-year, and became acquainted with the state of affairs in the union movement, as well as information on the implementation of resolutions and proposals announced at its forum in the second quarter of this year.

Further Details on Rzeszow Meeting

Rzeszow NOWINY in Polish 18 Aug 83 pp 1, 2

[Article by km: "Rzeszow Party-Economic Aktiv Meeting; More Plusses Than Minuses"]

[Text] We are already in receipt of information from the Main Statistical Bureau regarding domestic socioeconomic conditions for the past 7 months. At yesterday's meeting of the party-economic aktiv regarding industry, construction, transportation and trade, a discussion took place on the functioning of the provincial economy of Rzeszow in the current year. In addition to directors of enterprises and plant secretaries of party committees, it drew for the first time labor council chairmen, as well as professional union chairmen. Franciszek Karp, first secretary of the Polish United Workers' Party Provincial Committee, presided at the meetings. The following also

participated: Jozef Krol, Rzeszow vice-governor, and Franciszek Kubiczek, first assistant director of the Economic Division of the party's Central Committee.

The groundwork for discussion on how to assure--and wherever possible surpass--this year's commitments was an analysis of results achieved by the provincial economy from January to September of this year, which was presented by Bernadette Kilian, Provincial Committee secretary. The analysis was basic, characterizing in detail favorable phenomena, as well as errors. As was the case throughout the entire country, there were considerably more accomplishments. Positive trends, which appeared in the late summer and autumn of the past year, had time to strengthen themselves in a number of plants. As a result, the province distinguishes itself as a consequence of industrial work against a background of other regions with similar types of production, as well as manufacturing facilities and capacity.

A series of enterprises worked better, more rhythmically, more productively, including those meaningful to the domestic market, such as the Rzeszow Furniture Factory and Zelmer Rzeszow Electro-Mechanical Works, as well as those dependent on foreign markets such as the Communication Equipment Plants in Mielec and Rzeszow. The list of plants that took another step forward can of course be lengthened considerably.

It is likewise worthwhile to emphasize that with the passage of time the number of enterprises failing to attain production levels has decreased since last year. In August there were 28 of them out of 138 in existence, of which only 2 are taken into account, namely: the Fruit-Vegetable Processing Plants in Rzeszow and the local Techma. Both registered reverses for various reasons.

Representatives of the National Bank of Poland and the Treasury Bureau focused attention on the attainment of profits by many enterprises by way of increasing prices, which is in no way contrary to more efficient management. Just as the poor quality of production is unfavorable to it, which is increasingly evident in a series of plants.

Progress in construction is unsatisfactory. During the course of 7 months, 954 dwellings were delivered, which constitutes 45.3 percent of the current year's plan. Advanced work in communal construction and health services fall below the national average, which arouses understandable concern. Especially since the once-powerful provincial contracting enterprises cannot for various reasons, particularly material, break the deadlock for the fourth year already. On the other hand, visible indications of improved conditions do not provide any assurance yet that this run of bad luck for Rzeszow construction will end this year.

Therefore, the question of better labor organization in construction and concentration on jobs in it becomes an all important issue for the contracting enterprises' party-economic aktiv. In importance, no less than appropriate direction of production in industry for the benefit of: the market, export, agriculture and the food economy. In conjunction with this the settlement of complicated investment matters--in my opinion--is undoubtedly more complex.

Because if with increased production of scarce so-called priority items, they clamor for tax relief and other priorities introduced since July, then there is no inclination toward intensification of productivity and increased efficiency in construction for the time being.

Unless the enterprises themselves--which Franciszek Kubiczek stressed--will complete their own motivation methods that inspire increased effort and organizational upgrading. And they should start doing that. Especially since a portion of enterprises have ideas for other accountability for work and motivation methods up their sleeves. The truth of the matter now lies in the fact that these concepts of just pay for good work should be submitted for consultation to the workforce. Self-regulated and union organizations consisting of over 42,000 people, that is 22.5 percent of total employment in the Rzeszow provincial economy, have a significant role to play here.

Fulfilling Ninth Party Congress Resolutions

Kielce SLOWO LUDU in Polish 22 Aug 83 p 3

[Interview by Jerzy Chrobot with Zdzislawa Kurek: "A Repeat of the Ninth Assembly; To Work, to Be Oneself..."]

[Text] The Skarzyn party organization footwear plant, Fosko, where women constitute over 80 percent of the workforce, elected Zdzislawa Kurek as delegate to the Ninth Assembly. She has been employed at the plant from the very outset. Therefore, better than anyone else, she knows and understands the problems of members of the workforce, especially those of the women who are not only employees but wives and mothers as well. One can usually encounter comrade Kurek at Fosko on the second shift. She is senior forelady of the sewing section. She usually arrives at the plant early because social work is also waiting for her. Then too, her function as OOP secretary absorbs her time, to mention nothing of her participation in the work of the Provincial, as well as the PZPR Supreme Chamber of Control. She has become a member of the latter as well, at the Ninth Assembly.

[Question] What duties are mandated of a member of the Supreme Chamber of Control?

[Answer] Most frequently we control the activities of assigned party organizations, not only from a formal standpoint, such as the collection of dues, number of meetings, or even the method of maintaining party records. We conduct a series of discussions with party members; we strive to recognize weak points, neglect and shortcomings in the work of controlled organizations.

[Question] Yet even the highest regard for the exemplary maintenance of records does not provide a picture of the activities of OOP, the basic party organization nor the KZ.

[Answer] That's correct. During the introduction of controls we also check on how resolutions and proposals are being implemented. We are not simply satisfied with reports; the previously mentioned discussions provide a better understanding of party reality as well. We convey our suggestions and observations to central and the individual provincial control boards. Comrades from those other echelons not only draw conclusions, but provide an assist to organizations that have any problems. Following the Ninth Assembly there was growth in the role and importance of party control committees and control boards on all levels. They are now somewhat autonomous bodies, independent of the executive board and secretaries. That is why our controls also became more effective. The Provincial Chamber Control in Kielce gained high ratings. This does not mean that all goes well in the provincial party organization. Our members reflect a good deal of weakness yet, mainly in the work of the rural POP. The most frequent charges are leveled at the irregularity of scheduled meetings and the subject matter which is not always relevant to the meetings. Training is also weak. I am likewise aware that following the controls of comrades from the Supreme Chamber of Control, changes occurred in plant and gmina positions in some provinces, and that there was also an incident where a party organization was dissolved.

[Question] The controls introduced are a reflection of conditions in the party...

[Answer] Party work, although yet slowly, takes on normal rhythm. This is not only mine but also the opinion of all members of the Central Government Committee [CKR]. They expressed themselves in this spirit at the last committee plenum. In employment plants the party is regaining the confidence of the work force, and is continuing to regain its composure. Therefore, comrades from various organizational levels approach their work with greater conviction, with heart.

[Question] Those are stimulating statements...

[Answer] But that is no reason to fall into complacency. In the party apparatus, in plant and gmina committees there are individuals who accept money and it is not very well known why. There are secretaries, not many to be sure, who have not been capable of fulfilling functions entrusted to them. Also, we have not completely cleansed our ranks of excesses. This statement is predicated on observations during my trips to plants and regional centers of party work in various provinces.

[Question] However, let us turn to the Ninth Assembly. As a delegate, comrade, you are coauthor of its resolutions that have been adopted in the meantime. What is there to be gained from them?

[Answer] At the assembly, I participated in committee work that was mainly concerned with social issues, such as preservation of the family and improvement in working conditions for women. Many of the proposals that we placed on the agenda at that time have already been implemented. This is verified by daily routine. At the assembly I personally spoke on, among other things, paid vacations for mothers raising a family. This privilege was enacted and proved to be a true blessing. Many mothers benefited from it, being spared unnecessary nervousness and stress. Now they can peacefully raise their offsprings.

At the assembly we further discussed at length not only the inadequacy of working family budgets, but also problems associated with surviving from the first of one month to the next. Since that time the minimum wage was increased twice to protect the lowest-income families. It is true that there were substantial increases in prices in the meantime, but at the same time there were also compensations. Certainly the latter does not offset the cost of living increases. Unfortunately, in order to weather the crisis, we must pay. I wish all were on the same level. It is also necessary to remember that many employees, including pensioners and retirees benefited from the daily allowances, as well as the onetime financial aid designated for winter supplies. Since the beginning of this year the first phase of the general retirement reform was initiated. There is an immense sum involved, a great effort. The state allocated 745 billion zlotys for social services this year.

[Question] Which of the proposals made by the assembly require acceleration or a complex solution?

[Answer] Many delegates to the assembly spoke with concern about the long housing waiting list. In recent years it has been lengthened instead of shortened. The cooperatives will not solve the housing shortage alone; these problems require the joint efforts of employment plants, the communal economy and new trade unions. Much was said concerning the construction of economical, single family homes, about the housing patronage for young people, which to the present time is lacking in results. Surely the escalated cost of materials and services terrifies people. It is comforting to learn that the builders promise to deliver more living quarters this year than last year.

[Question] The Ninth General Assembly focused attention only on objectives that must be translated into special assignments on the ground floor. However, someone must insist on their implementation. That champion of the workers' interests should mainly be the trade unions.

[Answer] The trade movement, even if it was for example Fosko, gradually acquires new vigor and gathers the power of penetration. A rather large segment of the workforce has already enrolled in the new trade unions, but yet many continue to observe how the new unions intend to defend the workers. In the meanwhile, during the course of the last several months they have occupied themselves with several important problems, among others, the study of fair bonuses and emoluments for workers. This certainly does not mean that everyone will be equally rewarded.

[Question] From a perspective of time, how do you evaluate the 2 years following the assembly? Was this time actually utilized?

[Answer] In spite of the prevailing popular air of pessimism, even individuals who are ill disposed towards the party, towards socialism, must admit that a definite change has taken place. In Poland there is a feeling of normalization in our socioeconomic life. To me this is most important. And also those who evaluate everything by the store shelves notice the progress. Certainly the purchase of food items has ceased to be a problem. Now it is necessary to improve the supply of industrial goods. I also am irritated by the escalated

going prices, and by the fact that there is no women's clothing, stockings, nor socks and that young married couples cannot obtain credit, nor can the elderly buy a carpet nor a piece of sidewalk.

[Question] What advice?

[Answer] Above all, it is good to be working. I mentioned this to my girls even then when Solidarity was intruding in the factory. One must, I added at that time, be oneself and not a flag flapping in the wind. I am of the same opinion even today.

9951

CSO: 2600/1268

POSITION OF ARMED FORCES WITHIN POLITICAL SYSTEM DISCUSSED

Warsaw WOJSKO LUDOWE in Polish No 4, Apr 83, No 5, May 83

[Article by Jerzy Muszynski]

[No 4, Apr 83 pp 41-45 Part I]

[Text] Thanks to the endeavors and organizational efforts of the F. Dzierzynski Military Political Academy a scientific symposium took place on 12 January 1983 on the subject: "The Armed Forces in the Political System of PRL" as part of the celebrations connected with the 40th anniversary of the creation of our people's armed forces. Civilian and military academic teachers, employees of scientific institutes and officers of the political apparatus of the army participated in the symposium.

A rich and interesting variety of problems were discussed during the sessions. Since due to limited space, we cannot acquaint the readers of our monthly with all the lectures which, we hope, will be published in book form, we want to present at least some of them.

Creation and Development of the Armed Forces of People's Poland

The creation of the armed forces of People's Poland was closely connected with the struggle against the fascist invader to liberate the nation and with the beginning and developing process of a people's democratic revolution, aiming at abolishing capitalism and big landownership and making possible the change to socialism. Indeed, these two factors determined not only the creation of LWP [Polish People's Army], but also its essence and shape, place and role in the political system of the country and the functions it assumed.

Emphasis on these circumstances seems justified not only because of the origin of our army, but also because of its present position. For it is an armed force that was born from the dramatic struggles of the nation for biological survival and regaining its rightful place in the world--and in this sense it is the strong arm of the Polish nation. At the same time the army is an integral part of the socialist state, since from the moment of its creation it

was an active participant of the revolutionary processes, it promoted and implemented changes of the system in various spheres of life. This is why treatment of LWP as a national and socialist army reflects the reality and rightly characterizes its political and military status and its role in the life of the society.

The national character of our army is mainly the result of its external function, i.e. of the tasks it fulfills in order to guarantee the sovereignty and independence of the Polish state, of the fact that it had been created to fight for the liberation of a conquered and occupied country and it actively and efficiently fought for it. It follows from the above that it is rooted in the progressive and liberation movement traditions of the Polish armed forces, that it is the strong arm of the nation and the advocate of its living interests against the external enemy.

The socialist nature of LWP was founded on the fact that it was simultaneously the creation of the socialist revolution and its tool, one of its driving forces. The revolutionary origins of this army defined its nature, its place and role in the political system of the country, its functions and ties with society. It was created from two armed revolutionary currents within the nation fighting for its freedom and independence: from the people's guerrilla formations, initially organized in GL [People's Guard] and later, following the initiative of PPR [Polish Workers' Party], in AL [People's Army] and from the regular military formations of the Polish Army in the USSR established by the representatives of leftist patriotic groups led by the communists and with the consent and assistance of the Soviet government. Both these currents joined when regular Polish formations entered the country and KRN [Home National Council] took over the authority over the Polish Army in USSR and, together with AL, integrated them into a uniform Polish Army. Later many soldiers (officers and petty officers) from the Home Army and the Peasant Battalions found themselves in the ranks of this army, as well as soldiers from among groups of war prisoners from German P.O.W. camps for officers and enlisted men and soldiers from the Polish military formations in the West.

The special character of the newly created LWP consisted in the fact that people's guerrilla formations had been active inside the country and regular military front formations in the Soviet Union before the Polish working masses gained power and created a new state. The creation of the uniform LWP was made possible by the take-over of political and military authority over them by KRN. In this sense the military formations of both currents--one inside the country and one outside--had preceded the creation of the people's Polish state; they had been acting as its future element from the very beginning of their existence and they became, to a considerable extent, the creators of this state and the guarantors of its sovereign and independent existence. Both these currents, which were created and destined mainly for the purpose of fighting the outside enemy--German fascism, were at the same time shaped from the inspiration of political forces organizing them as a tool of the social, economic and political revolution, which was growing rapidly; thus they became a revolutionary force, anticapitalist and antifascist. Although their personal composition created a wider panorama than just ideological and political inspirers, essentially popular character of both currents defined the political face of the uniform Polish Army from the very beginning.

AL was created from leftist formations and patriotic groups, mainly from GL, whose political structures became part of KRN. According to the decree No 1 of 1 January 1944 of KRN, this army was constituted as the armed force of the Polish nation with the purpose of fighting the occupier and as the strong arm of the Polish people guarding the democratic system of Poland, its independence and sovereignty.

The implementation of these tasks could not have remained without influence on the political character of this guerrilla formation. The character of AL was substantially determined already in its basic founding group--GL which, although it was not part of the party itself, was an armed force created by PPR. The PPR defined the political face of GL, which was to become the foundation for the new army in the free people's Poland. The political and military character of this formation, as defined in the GL Regulations, presented it as the strong arm of the people of Poland, the symbol of vitality of the Polish nation, continuator of the best traditions of struggles for independence, the genuine and realistic representative of the masses, fighting in the name of the Polish people for the future free, democratic Poland. The instruction of GL Headquarters of November 1943 on organizing officer and petty officer courses states, among other things, that: "GL is not only an active defender of the Polish people against Nazi violence, but at the same time, the officer and petty officer cadre of AL (...). It will be too late, if we organize and educate when People's Poland needs from us immediate command of AL. We are beginning to build it now and we are immediately opening intensive, planned professional training."¹

Also the character of the other component of LWP--the Polish front formations in the USSR was gradually shaped. The initiative for their creation came from leftist groups staying in the territory of the USSR, i.e. from communists, socialists and members of peasant parties. The first Tadeusz Kosciuszko Division was organized from among all those Poles--refugees and previously living in the USSR--who believed armed struggle with the Nazi occupier to be their patriotic duty, irrespective of their political beliefs, world outlook, denomination or social position. These formations were accessible to every Pole, irrespective of his past.

This openness caused the social composition of the Polish Army that was being created to be diversified. All these people were united by the desire to fight the invader, while workers, peasants and, partially, the intelligentsia hoped that the fact that these formations would enter the country would have important consequences for the future socioeconomic and political system in Poland. The popular character of these formations was also shaped in joint fighting with the soldiers of the Soviet Army, while recognition by the political leadership of the Polish emigration in the USSR of the program of KRN, based on the program declaration of PPR, entitled "What Are We Fighting for?" tied these formations even stronger to the political forces that had already begun making the revolutionary changes in some spheres of life and the process of creating a people's Polish state.

1. Regulations of GL, in: "Dowodztwo Głównie GL i AL (zbiór dokumentów z lat 1942-1944)" [The High Command of GL and AL (collection of documents from the years 1942-1944)], Warszawa 1967, p 125.

It was this convergence of the political character of AL and of the Polish Army in the USSR that made possible the transformation of both these formations into LWP and connecting it with the people's authority, making it the armed force of the Polish socialist revolution, an integral part of the Polish socialist state that was being created.

But shaping the socialist character of LWP was not a self-regulating process. The leading driving force of our revolution--the communists organized in PPR--had to fight for this character of the army with those tendencies, which strived to make it apolitical, to turn it away from the masses, set it at variance with them and thus neutralize it in the struggle for power, for the future economic, social and political system.

LWP has never been and has never become an armed formation of the communist party in legal sense. It developed and shaped as the armed force of the socialist state, as part of the political system of the country and the strong arm of the whole nation by taking the side of the leftist forces, identifying with the system and actively participating in its revolutionary enterprises.

By participating in building the foundations of socialism the military increasingly integrated with the society and, at the same time, it adhered to the governing apparatus of the working masses, to the whole political system. It became its integral part, the strong arm of the nation, the force that guarantees its peaceful existence and prosperous development of the country on the road of passing from capitalism to socialism. This is why there is no contradiction between the national and the socialist character of LWP, although our state is not an all-nation organization yet, but a revolutionary system of dictatorship of the proletariat, a class state, in which social classes, class antagonisms and class struggle still exist.

Our society is not socialist in the proper sense of the word yet. The events of the years 1980-1982, as well as earlier social and political conflicts and economic and moral crises confirm the fact that there is no agreement between a considerable part of the society and the authorities; they also confirm that the authorities share the responsibility for deformations, breakdowns, tensions and conflicts. But these facts do not mean that we have left the road of socialism, that we have ceased to build the socialist system, that the working masses have lost power and that the socialist revolution has collapsed. These events do not change the character of the military--on the contrary--they confirm that it is the armed force of the socialist socioeconomic and political system acting in the direction of improving it, removing negative phenomena and preventing them from happening. Neither the last crisis, nor the earlier ones, have damaged the socialist character of the army or its cohesion and fighting capacity, its ability and skill in performing all actions protecting the socialist system, which is being questioned by the enemies of socialism and deformed ideologically, politically and morally degenerated part of the party and state leadership. The military has not given in to them or contributed towards the crises and conflicts. It has always remained faithful to the ideals of socialism, identified itself with it and aimed at putting them into practice.

This position of the army and such attitude towards the most important problems of the country and the system makes it the advocate of socialism and defender of the most essential national interests, i.e. of independence and sovereignty as well as of safety and peace. The military has always been and still is on the side of socialism and, at the same time, it puts into practice the most essential reasons for national existence. This is why, despite the lack of class, political and ideological unity of our society, despite the deformations and failures in the process of creating socialism, there is no contradiction between the national and the socialist character of the military for, while embodying the ideals of socialism in this activity, it simultaneously puts the most important interests of the whole nation into practice.

This position and role of the military in the socialist system is the result of both, the Marxist-Leninist theory and the experiences of past socialist revolutions. In all of those countries, where the socialist revolution took place, the armed forces were:

the military revolutionary detachments (irregular, including guerrilla groups, and regular) of the working masses in their struggle for power;

the armed tool of maintaining the power gained by the working masses and the tool of consolidating the revolutionary gains of the masses;

the main mechanism preventing or fighting the armed intervention of imperialist forces or of home counterrevolutionary groups.

The chances for gaining and especially maintaining power by the working masses without the armed formations of revolutionary type were slight and the participation of these formations in carrying out the revolutionary changes in all fields of life turned out to be essential everywhere and facilitated the implementation of these changes.

Such features were formed and are still present in LWP, which is both, the armed force of the nation and the tool of the socialist revolution, as well as an integral part of the political system of the country; it not only protects the system and the revolutionary gains of the working masses, but it also participates actively in implementing changes in all spheres of life.

Functions of LWP

The view is fairly well accepted in the science and journalism of socialist countries, including Polish, that the armed forces in the socialist system, while participating in the realization of the functions of the state, have their own functions: the internal and the external one. This view is correct only, if the functions of the armed forces are not identified with the functions of the state, which are treated as basic directions of its activity connected with the implementation of the economic, social, political, cultural and educational goals of a given phase of passing from capitalism to communism. The problem does not lie, however, in the fact that the functions of the state

have a wider scope and concentrate diversified operations of the individual components of the state apparatus, but in the fact that the state acts as the main component of the political system responsible for the achievement of intended systemic goals, as an independent subject of political relations.

The armed forces, which are one of the state institutions, do not participate in all of its activities in either the internal or the external relations. It is true that the external function performed by these forces falls within the framework of the function of defense, performed by the state, but they are not undertakings that coincide either from the objective or the subjective point of view. The military performs its functions of the will of the state and in its name, while the state performs its functions of the will of the ruling class (class state) or of the whole society (all-nation state) and of its own initiative resulting from its powers. The state always acts as an independent subject of the whole of the socioeconomic and political relations, while the armed forces perform their tasks on the recommendation from the state and in its name.

Nevertheless, the special position of the military in the state, which in Poland results, among other things, from its mission defined in article 10 of the Constitution of PRL causes that the tasks given to it have a basic sense for it, which justifies speaking of the functions of the armed forces. And the division into the internal and the external functions is justified by both, the difference of specific actions and the ways and means of acting. The internal function of the army includes various military-type undertakings connected with the defense of the socioeconomic and political system against threats from internal forces hostile to the system and undertakings of economic, political, cultural and educational character with the aim of consolidating the system, further developing it and improving the army itself.

The external function, on the other hand, basically concentrates military actions, i.e. preparations for an armed struggle with the enemy from outside in order to guarantee independence and sovereignty, territorial integrity, external security and peace to the country, nation, to the society. This is the fundamental function of the armed forces, which is the result of not only the needs of the country but also of the nature of the military. The state creates the armed forces in order to protect the system, guarantee external security, i.e. sovereignty and independence of the country, secure and peaceful existence of the nation. The fact that People's Poland belongs to a political-military defensive coalition--the Warsaw Treaty Organization--causes that our independence and sovereignty as well as territorial integrity are the object of protection of the whole coalition and our armed forces have, by nature of this alliance, the duty to participate in the political and military actions protecting the external security of other member states of the Warsaw Treaty.

Article 10 of the Constitution of PRL states that the armed forces guard the sovereignty and independence of the Polish nation, its security and peace. The tasks resulting from this statement in the fundamental bill constitute the external function of the armed forces, which is fully implemented within

the framework of the defensive function that is one of the basic directions of activity of the socialist state. The defensive policies of this state have a complex character and they integrate not only things belonging to the armed forces, but also extramilitary, i.e. given to various organs of this state, political and social organizations and individual citizens.

The defense of the motherland has the character of a universal duty in our country. The resolution of 21 November 1967 "On the Universal Duty to Defend Polish People's Republic" declares in article 1 the defense of the motherland and of the socialist gains of the Polish nation to be the cause and duty of all the citizens of PRL and in article 2 it treats strengthening of the defences and preparation of the population and national property for war as the task for all the organs of authority and state administration, state institutions and enterprises, cooperative and social organizations and each citizen.

The universal duty to defend PRL concerns:

1. organs of authority and state administration,
2. the armed forces,
3. state institutions and enterprises,
4. cooperative and social organizations,
5. each citizen.

The tasks of the organs of authority and state administration, state institutions and enterprises, cooperative and social organizations are defined by law and by the decisions of organs responsible for matters of defence, including the Council of Ministers, the Committee for the Defense of the Country, the president of the Council of Ministers. The resolution on the universal duty of defense defines the citizens' duties as follows:

participation in the cadet corps,

serving in the army,

serving in the substitutional service of draftees,

serving in civilian defense units,

taking part in defense preparations and training,

participating in the self-defense of the population,

serving in militarized units,

taking part in services for defense.

The most important tasks and obligations, however, belong to the armed forces of PRL consisting of the army, the airforce, the air defense forces of the country and the navy. They are being prepared to carry out military actions in case of an armed invasion of our country or if need for common defense against aggression should arise from international agreements. These preparations include diversified activities resulting from the socialist defense doctrine, which has national and coalition aspects, from the strategic-defensive plan, from the defensive plans of the state, as well as from the fighting experience and liberation traditions of the Polish nation.

Apart from strictly military activity, the external function is also performed by proper utilization of the economic and political potential of the country, international alliances and treaties advantageous for it, as well as by diplomatic and ideological activities with the purpose of shaping the patriotic awareness of the citizens and the feeling of responsibility for the fate of the country.

Thus preparations for the implementation of the external function of the armed forces include specific undertakings in various fields of life making it possible for them to achieve adequate skill and fighting readiness, i.e. the indispensable capacity to carry out armed combat.

The external function of our armed forces becomes especially important in the present international situation, in the face of a reorientation of the strategic assumptions of foreign policy of the leading countries in the capitalist world, especially the U.S., which has brought further increase of tensions in the world and a deterioration of the global relations between the East and the West. Within this reorientation the West, and mainly the neoconservative circles or the American bourgeoisie ruling the U.S., uses the complicated internal situation in Poland, the extensive economic, social, political and moral crisis, in its desire to cause the abolishment of the authority of the working masses and the liquidation of the socialist system. The tasks of the armed forces in the field of guarding the sovereignty and independence, as well as territorial integrity for the nation have, in this context, strongly linked with the need to defend the socioeconomic and political system threatened from the outside; both functions of the military have become interrelated and the role of the military has visibly grown in all fields in this situation.

The army has become responsible for everything that is happening in the country, for its present day and for further fate. In the face of a real threat the internal function of the military has been considerably extended, which is not unusual in itself, because specific actions of the army within the framework of this function depend on the degree of threat to the foundations of the system and on the needs of the country. As opposed to the external function, which is characterized by stability, the internal function has a more elastic character, for it creates possibilities of establishing the scope and degree of commitment of the military in internal matters. This special elasticity of the internal function is determined by concrete needs of the country. The history of People's Poland confirms this thesis.

After the war activities against the forces of the German Third Reich were over, the Polish People's Army was extensively committed in both, various military actions, including the struggle with the armed counterrevolutionary underground and the fascist-nationalist UPA [Ukrainian Patriotic Army] bands, and in the processes of revolutionary changes of the socioeconomic and political system. The military was simultaneously protecting the authority of the working masses by carrying out armed combat and participating in many political campaigns (the referendum in 1946 and elections to the Constituent Sejm in 1947), it established administration in the recovered lands and integrated them with the motherland, participated in the construction of various units of national economy, spread education and culture, educated the young.

After the people's authority had been consolidated, the military actions within the framework of the internal function were dropped and the tasks in the political, economic, cultural, educational and scientific fields were extended. For LWP constitutes both an integral component of the political system of PRL and an armed part of our society, it is closely connected with the society and feels responsible for its safe and peaceful existence.

It is no accident, then, that when the opponents of socialism strengthened their attacks against the socialist state in 1981 with the desire to abolish the authority of the working masses and take the power in their own hands, the military--within the framework of its internal function--increased its political activity and, together with other organs of this state, took upon itself the most difficult task of thwarting the plans of the antisocialist forces, restraining the crisis and creating the indispensable conditions for stabilization in various spheres of life. It also acted as the national armed force and as the strong arm of the socialist revolution guarding its further development.

[No 5, May 83 pp 41-46 Part II]

The Army and Other Components of Political System

The fact that the armed forces of PRL have been entrusted with the tasks in the field of guarding the independence, sovereignty, security and peace of the nation, as well as the task of protecting the socioeconomic and political system by military means, puts them in a special position and places them appropriately in the political system of the country. This special position does not, however, lead to any privileges in comparison with the other components of the political system; on the contrary--it burdens the soldiers with additional duties and increased responsibility. And it is the result of special, i.e. not typical of the rest of the society, forms and means used in performing the tasks entrusted to them, which assume the form of carrying out armed combat or of doing it in case of need. Thus the fact that the military is an armed formation, the armed part of the society, distinguishes it from the other components of the political system and the organs of state apparatus.

The political system of socialism consists of the following independent components:

1. the socialist state as its main and independent component,
2. the communist party and, possibly, other allied political parties,
3. trade unions,
4. cooperative and social organizations,
5. self-governments of employees and inhabitants.

The armed forces, though they do not constitute an independent component of the political system, act towards each of them as a factor integrating the defensive tasks of the state and the society and safeguarding normal functioning of the whole of the system and each of its components. The ties between the armed forces and all the components of the political system of the country are reflected within the framework of the defensive function of the socialist state, which in People's Poland has assumed the form of the universal duty to defend PRL.

The military constitutes an integral part of the socialist state or, to be more precise, of the state apparatus, but it is neither an organ of authority, nor an organ of state administration, i.e. a managing or executive organ. The fact that the armed forces are organized within the framework of the department of national defense cannot justify the view that the military is an integral component of the managing-executive apparatus, especially since official relations existing in the armed forces are defined as a type of state service. As opposed to the organs of state administration, the military does not manage any of the spheres of national economy, it does not act as an executive organ of the Sejm or national council. This is why the military cannot be placed in the administration apparatus of the state, since its tasks are implemented within the framework of the internal and the external functions and its organizational structure and the principles and course of internal life and action and, finally, the way it implements tasks given to it, have nothing to do with administering or managing.

The army constitutes a separate political-military mechanism, subordinated to the chief organ of state administration--the Council of Ministers in a defined degree, but fulfilling different tasks than other governmental structures, and especially different from those departments which constitute the managing-executive apparatus of the state. Its place in the state apparatus is defined by the functions it performs, and these require the military to be ready and, in case of need, carry out armed combat with the enemy, a combat which is to guarantee independent and sovereign existence to the nation, as well as secure and peaceful life. Thus, the armed way of implementing the entrusted tasks determines the place and role of the military in the whole political system.

The tasks given to the armed forces and the way of their implementation determine the organizational structure of the military, the way citizens fulfill the universal duty of defending the motherland, the internal systems of

official ties, the specific character of these relations, the extension of the obligations of soldiers towards other citizens and the increased responsibility of soldiers for the execution of their duties.

The organizational structures of the armed forces of PRL are the result of the assumptions of the socialist defensive doctrine, of the coalition character of collective security of the commonwealth of socialist countries--members of the Warsaw Treaty Organization--from the assumptions of contemporary warfare and from specific needs and possibilities of the country. Generally speaking they consist of a permanent military cadre, properly educated and trained, which performs its tasks professionally and of variable number of soldiers from the basic military service and military reserve, who are fulfilling their duty to defend the motherland. This second component joins the army according to the principle of rotation, defined mainly by the regulations of the resolution on the universal duty of defense and by normative military acts.

A special system of internal relations exists in the organizational structures of the armed forces, based on military discipline, the attributes of which are: a hierarchical system of superiority and subordination, obedience of subordinates to superiors and order as a typical and efficient form of fulfilling entrusted tasks by all the soldiers. The internal military relations are regulated to the minutest detail by regulations, orders and instructions related to specific areas of military life.

This system of internal relations is indispensable as a condition of fulfilling the tasks within the framework of the internal and external functions by the armed forces, and especially of efficient armed combat. These requirements justify the existence of separate legal norms that concern only the armed forces, as well as of military courts, military organs of prosecution and supervision of law abiding. They do not mean any isolation of the military from the other organs of the state apparatus or components of the political system of the country, or isolation of the soldiers from the rest of the society. These peculiarities are simply indispensable and fully justified by the specific character of military activity and the implementation of its tasks.

Such position of the armed forces in both, the political system of the country and within the framework of the state apparatus, requires settling some things which explain the mutual relations between the military and these organs and components. This is extremely important from the point of view of efficient performance in the tasks that have been given to the armed forces in both, its external and internal functions. These problems are regulated by legal rules obligatory in Poland and, to some extent, by the national traditions. The latter concern the attitude of the society towards the military, especially its high esteem for the soldiers' toil and sacrifices, their devotion to the cause of motherland, assistance given to the population in the most difficult moments. National tradition, as well as educational system, cultivating this tradition, guarantee high social ranking of the military, which also influences its position in the country, in the whole political system of the country.

While it occupies a special position in the state apparatus as an armed department (but also as the armed part of the society), the military is subordinated to the chief organ of state administration--the Council of Ministers and to its organs--the Committee for the Defense of the Country to the minister of national defense.

Article 41 of the Constitution of PRL, defining the powers of the Council of Ministers contains in section 10 provisions giving this organ general managing powers in the fields of: 1) defense of the country, 2) organization of the armed forces, 3) defining the yearly contingent of citizens drafted into active military service. This constitutional decision has a very general sense, since it does not state precisely what do general management of the field of the country's defense and the field of organization of the armed forces consist in. It follows from the Constitution that these are actually matters belonging to the council of ministers which--if this was the intention of the lawmaker--gives this organ extensive powers with respect to the armed forces.

The powers of the Council of Ministers over the armed forces, which are a special type of state department result also from article 41, section 1 of the Constitution of PRL, which entrusts the government with the task of coordinating the activity of ministries and other organs subordinate to it and determining the directions of their activities. Within the organizational structure of the state apparatus the armed forces are represented as formations organized within the department of national defense and managed by the Ministry of National Defense, which makes the minister of a subordinate of the president of the Council of Ministers.

The provisions mentioned above do not explain, however, all the essential points connected with the subordination of the armed forces, authority over them, and commanding them. A number of these problems were taken care of by the resolution of 21 November 1967 "On the Universal Duty to Defend Polish People's Republic," with later changes (DZIENNIK USTAW No 18, 1979, position 111). It specified the powers of the Council of Ministers over the armed forces by appointing KOK [Committee for the Defense of the Country] as a committee of the Council of Ministers for defense matters. The appointment of the committee and defining its powers does not mean that the Council of Ministers has given up its rights in the field of defense and the armed forces, but that it entrusted the implementation of these rights to its organ.

The president of the Council of Ministers is the head of KOK, which acts as a collegial organ. This organ also includes deputy presidents, among whom the minister of national defense is the deputy for the armed forces and strategic-defensive planning.

According to article 5 of the resolution KOK:

decides on the general assumptions of the country's defense,

manages all the problems concerning the defense of the country,

discusses problems concerning the defense of the country,

works out guide lines in this field,

decides on the organization of the armed forces and civil defense,

coordinates the activity of central and local organs of state administration in the field of defense of the country.

It follows from this article that KOK, as an organ of the Council of Ministers, concentrated in its powers all the most important problems of the country's defenses, including also some matters concerning the armed forces.

The resolution also defined the tasks of the head of KOK, who, among other things, is to implement the general provision, decisions and guide lines within the scope of laws concerning defense.

Article 9, section 2 of the resolution on the universal duty to defend PRL defines the powers of the minister of national defense as the deputy for strategic-defensive planning. According to this article the minister of national defense:

prepares the defensive plans of the country,

implements the general plans, decisions and guide lines of the Council of Ministers and KOK in the sphere of the country's defense,

coordinates the implementation of the tasks resulting from it,

executes general management in matters of fulfilling the universal duty of defense,

generally supervises the implementation of defense tasks by organs of state administration, state institutions and enterprises and cooperative and social organizations.

As the head of the department, on the other hand, the minister of national defense:

commands the armed forces of PRL,

supervises their development, training and preparation for defense, including: military administration,

problems of cadres in the armed forces,

satisfying the needs of the armed forces, especially material, technological and financial,

implementation of the duties of military service,

education of soldiers,

satisfying the social and existential needs of the soldiers,

administration of personal reserves with the universal duty of defense in mind.

According to article 11, section 1 of the resolution the minister of national defense commands the armed forces through the chief of the General Staff of the Polish Army, commanders of military districts and commanders of types of armed forces.

The resolution subordinated the chief of the civilian defense of the country to the minister of national defense and established local executive organs of the minister of national defense for operational-defensive and military administration matters, appointing to these posts the commanders of military districts and chiefs of provincial military staffs. It regulated only some of the problems in the field of placing the armed forces in the state apparatus, defined the general powers of the Council of Ministers and its organs with respect to the armed forces, and it established the position of the minister of national defense in the field of defense and with respect to the armed forces.

Party Leadership in the Armed Forces

Mutual relations between the armed forces of PRL and PZPR, ZSL [United Peasant Party] and SD [Democratic Party], trade unions, social organizations and self-governments are different.

There is a direct link only with PZPR, while relations with the other components of the political system of our country are sporadic and only in areas in which these other components are obliged to participate in the activities connected with defense or when their members are in the armed forces doing military service. This follows from the position of the military in the socialist system, in which the communist party has the ideological and political leadership over all the components of the political system. In socialism the armed forces are not legally an armed formation of the communist party, but they are an integral part of the whole political system and the state apparatus.

In case of the armed forces the principle of the leading role of the party is conditioned by the fact that they are the armed tool of the socialist revolution which, in the interest of the working people, protects its gains and guarantees the realization of the goals resulting from the historic mission of the working class. However, the special character of the armed forces as a military organization causes that party leadership is responsible only for ideological and political inspiration and some cadre matters. It does not interfere in matters directly connected with commanding or with other strictly military activities.

In the armed forces of socialist countries party leadership is realized not only through party echelons and organizations, but also through an integral component of the organizational structure of the military--the political apparatus, which is, at the same time, part of the party echelons existing in the military. The content, scope and forms of party leadership in the armed forces is determined by specific military factors, such as, e.g. one-man command, the system of subordination and superiority, military discipline and its rigors, large numbers of soldiers in barracks, a complicated secret system of mobilization and operations.

Commanding the armed forces is a serious task and often a very complicated one, connected with special responsibility on all levels of their organizational structure. This is why it has been based on the one-man principle, which excludes the interference of any factors. The commander is fully responsible for the organizational structures subordinated to him, for their skillful and efficient activity and for the implementation of tasks given to them. This is why nobody and nothing from outside the military can interfere in the sphere of commanding, since it could lead to failure in the achievement of planned results, for which the commander is always responsible.

Also matters of strategic and defensive planning and of mobilization, which usually are among the greatest state secrets, must be solved by people who are personally responsible for them and with the exclusion of any possibility of them being forced to accept solutions which are contrary to their knowledge and convictions. With respect to the strategic and defensive planning the influence of the party leadership is reflected in the fact that the provisions of defensive strategy, i.e. military matters, must be correlated with the principles and aims of the foreign policy of the socialist state, which is influenced by the party in both, real and specific sense. Military strategy is an integral element of the foreign policy and international relations and thus it is only a military development of the provisions of political strategy of the socialist state, formulated on the initiative and with the participation of the communist party.

Political strategy, which finds its institutional reflection in the basic principles of the foreign policy of the state, takes into consideration all aspects of relations in various spheres of life in the international arena and tendencies appearing in this arena, which express the interests of various states, regions, whole continents as well as of political systems. Basic provisions of this strategy within the system of the commonwealth of socialist countries are worked out at meetings of party and state leaders of these countries at meetings of the Advisory Political Committee of the Warsaw Treaty Organization, the Committee of Ministers of Foreign Affairs, the Committee of Ministers of Defense and other organs of this organization. The provisions of this strategy reflect the concepts of the theory of Marxism-Leninism with respect to questions of international relations, e.g., of peaceful coexistence of states of different socioeconomic and political systems, the problem of passing from capitalism to communism, the world revolutionary process and permanent ties between peace and socialism. It also takes into consideration the current possibilities and needs of the whole socialist commonwealth and of individual states.

The evaluations and conclusions that can be found in these provisions, the main directions and priorities of activities formulated there, are reflected in the military strategy. The principle of compliance of military strategy provisions, which are also based on the socialist war doctrine, with the provisions of the political strategy of the socialist state and of the whole commonwealth of socialist states integrated in the Warsaw Treaty Organization is obligatory here. This compliance with the political strategy is an important factor integrating the armed forces with the socialist state and with the communist party. The armed forces do not realize their own military strategy or engage in a policy different from the official foreign policy. The management of the army is responsible before the state and the party for proper formulation of the provisions of military strategy and for its compliance with the political strategy.

Representatives of the army are also included in the highest party echelons--the Politburo of CC PZPR, the Central Committee and its commissions, the Central Party Control Committee and the Central Committee of Auditors. The Central Committee supervises the ideological and political work in the armed forces through GZP WP [Main Political Board of the Polish Army]. Additionally one of the secretaries of CC PZPR is responsible for all the problems of the armed forces.

The leading role of PZPR with respect to the armed forces guarantees that the military cannot become apolitical and be a neutral force in the society and it makes the army an integral component of the socialist political system, as part of the armed apparatus of the state.

State and Military Authority Over the Armed Forces of PRL

The discussion of the place and role of LWP in the political system of PRL allows the formulation of more general conclusions, having theoretical and practical implications, and concerning the problems of the state and military authority over the armed forces. In fact, life itself leads to such conclusions, and especially the events that took place in our country during the past few years. Also the earlier crises and sociopolitical conflicts of 1956 and 1970 caused a commitment of the army to return the disturbed public law and order. The observations made above make it easier to notice the fact that the activity of the military is growing in the sphere of political relations, i.e. internal relations and this is happening not only in periods of breakdowns and dangers, but also between them. The army has acted as a stabilizing factor in all of those events nontypical for socialism.

The last 3 years (1980-1982) have confirmed this thesis unequivocally. In the face of a threat to the authority of the working masses from antisocialist forces the military--after introducing martial law on 13 December 1981--has taken over not only the task of preventing the socialist state from disintegration and the society from engaging in a civil war, but it also constituted from itself an extraordinary organ--the Military Council of National Salvation, which has undertaken to inspire and coordinate efforts aiming at removing the threat and creating conditions for the return of the whole society, state and all its organizational structures on the normal road of activity. In this

situation the military not only protected complexes of national economy, state and social institutions, guaranteed law and order in cities and settlements, but through local operational groups, military commissars--representatives of the Committee for National Defense, Inspection of the Armed Forces, joined the nationwide process of curing all the spheres of life and facilitating the socialist renewal.

The fact that the army took upon itself the task of protecting the socialist system was not any coup d'etat, but was dictated by a higher necessity, by the Polish reason of state, in the situation when other components of the country's political system were not capable of standing up to the real threat due to the anarchization of life, disturbances in their normal functioning, reaching for power by the opponents of socialism. By taking part in this action the military was fulfilling its political role within the framework of its internal function as the armed force of socialism.

The prolonged character of the crisis and growth of its effects in all fields of life as well as continued threat from the opponents of socialism from among the extremist activists of the former Solidarity, naturally leads to the strengthening of the role of the military in the life of the country and to the consolidation of its position in the political system, especially in the mechanism of power. What is meant here is not taking over by the military of the powers of the organs of state apparatus, but safeguarding their functioning according to the constitutional requirements, the Polish reason of state and the need for stabilization and return to the road of normal development.

The implementation of these tasks by our armed forces requires not only proper ideological, political and military preparation, but also proper training and discipline, organizational and functional efficiency, the feeling of great responsibility for the fate of the country, great patriotic and internationalist commitment. Also certain legal and organizational acts should be undertaken to let the military fulfill its mission properly, for the tasks performed at the present moment within the framework of the internal function exceed considerably the provisions of the obligatory legal regulations in the field of the state and military authority over the armed forces.

It seems that, in the present situation, statements of article 10 of the Constitution of PRL are not sufficient, for they establish and sanction only the external function of the army. They speak about guarding the independence, sovereignty, security and peace. There is no regulation defining the general role of the military in protecting the socioeconomic and political system, i.e. the definition of the internal function of the army.

These matters have been regulated in more or less detail in the constitutions of other socialist countries, as well as in the constitutions of some capitalist states. In the constitution of the USSR of 1977 the problems of defending the socialist motherland are reflected in chapter V, articles 31 and 32. According to article 31 of the constitution of the Soviet Union the defense of the socialist motherland is recognized as the most important function of the state and in article 32 the state is obliged to guarantee the security and defense of the country and to equip the armed forces with everything that is necessary.

At the same time the constitution states precisely the general tasks of the Soviet armed forces within their internal and external functions. The constitution says that "The armed forces of the USSR have an obligation towards the nation to reliably defend the socialist motherland, remain in constant alert that guarantees the defeat of any aggressor." It also states that the armed forces have been created in order to defend the socialist achievements, peaceful work of the Soviet nation, sovereignty and territorial integrity of the state.

Similar regulations can be found in the constitution of NRD [German Democratic Republic] of 1968. The constitution of KRLD [Korean People's Democratic Republic] of 1973 states straightforwardly that the armed forces have been created to defend the interests of workers, peasants and all working people, as well as to protect the socialist system and the gains of the revolution, to defend the freedom and independence of the motherland and peace. Also the constitution of SFRJ [Socialist Federal Republic of Yugoslavia] of 1974 defines the external and the internal functions. According to article 240 of this constitution: "The armed forces of SFRJ guard the independence, sovereignty, territorial integrity and the social system of SFRJ established by this constitution." In Yugoslavia the armed forces consist of the Yugoslav People's Army--a formation of territorial defense, which is treated as a form or organized nation-wide armed resistance.

The external and internal functions are also defined, among others, in the constitution of Spain of 29 December 1978, which in article 8 entrusts the armed forces with the task of safeguarding the sovereignty, territorial independence of the country and the legal order established in the constitution.

Legal regulation of the external and internal functions of the armed forces is not just a formal operation defining the tasks of the military. Such regulation is significant from the point of view of the possibilities of using the armed forces to protect the socioeconomic and political system without the need to resort to the use of extraordinary measures, among others, the martial law. The state, represented by the government, has the right to call the armed forces for assistance and the organ or person to whom these forces are subordinated takes appropriate decisions. It is according to this principle that the military acts in many countries without the need to introduce martial law or giving extraordinary powers, because its task is to protect the system defined in the constitution.

Also matters related to state and military authority over the armed forces of PRL require more specific definitions. Presently obligatory constitutional laws and regulations that can be found in other legal acts, among others, in the resolution of 1967 on the universal duty to defend PRL do not determine these matters unequivocally. Direct powers over the armed forces are shared, among others, by the Council of State, the Council of Ministers, the Committee for National Defense, the minister of national defense and the minister of internal affairs. The most extensive authority is with the Council of Ministers, but as a collegial organ, including also the minister of national defense, it has no commanding powers and hence it is neither the state, nor the military head of the armed forces. The minister of national defense, who was

given the task of commanding the armed forces by the resolution on the universal duty to defend PRL of 1967, is not their military superior since, as member of the Council of Ministers he is subordinated to the council itself, the president of the Council of Ministers and the Committee for National Defense and so he does not have the highest function with respect to the armed forces.

The Central Committee of PZPR and its organs, and especially the first secretary and the secretary responsible for the matters of the army have informal powers over the armed forces, but also these political organs are neither the superiors nor, indeed, the commanders of the armed forces of PRL. Their powers over the armed forces--as mentioned above--are the result of the general principle of the leading role of the party in the whole political system of the country.

State and military authority over the armed forces is an extremely important factor in performing the external and internal functions by the army, especially in a complicated situation like the present one in our country.

The problems of state and military authority over the armed forces are fully regulated in most of the presidential republics. In those socialist countries (Czechoslovakia, Rumania, Korean People's Democratic Republic and, since recently, Yugoslavia), the political and military head of the armed forces is the president of the republic (except for Cuba, where these powers belong to the prime minister). This authority includes both, the official subordination of the armed forces to the president and the right to use them, as well as supreme command of them, which means that the president can personally command the armed forces or cede the right to command to another person--as a rule, to the minister of national defense.

The authority of the president of the republic over the armed forces does not undermine the leading role of the communist party towards the armed forces, which is, in this case, realized according to the general principles, taking into consideration the specific character of the army. It does not negate the powers of the government in the field of defense either, or the committees and councils of defense, which exist in different socialist countries.

This type of model seems to be more functional than our present regulations and it would be useful to consider if we should not regulate the problem of authority over the armed forces in our country according to the present needs, which require even higher efficiency in using the armed forces within their internal function and for the purpose of external security.

12417
CSO: 2600/1290

CENTRAL COMMITTEE MEMBER VIEWS UPCOMING PLENUM

Warsaw SZTANDAR MŁODYCH in Polish 5 Aug 83 pp 1, 3

[Interview with Zdzislaw Daniluk, member CC PZPR and ideological secretary KZ [Plant Committee] at the PZL-Swidnik Transportation Equipment Plant, by Kazimierz Zglejszewski; date and place not specified]

[Text] [Question] The upcoming Thirteenth Plenum of the CC PZPR will be devoted to ideological matters. It is being awaited with great interest. What do you expect from this plenum?

[Answer] The basic matter in my opinion will be the necessity of designating the level at which the development of socialism in our country is at present.

[Question] Why is this so significant?

[Answer] We have had various theories on this subject. In the 1970's the official thesis was that we had reached a level of developed socialism and only one step stood between us and communism. Everyone was quite convinced by what corroboration there was for this in actuality.

The plenum must give an answer to this question. We must clearly tell society what point we are at, what is ahead of us, and by what roads and in what way we will reach the goal we are aiming at.

[Question] As you said yourself, there were many attractive but not too realistic theories. How can society be convinced that this time there will not be a dramatic turn in our history again 10 years from now?

[Answer] That is why a second important matter will be the working out of new methods and forms of ideological work. The point is not to confine this to party members, but to work out a program for all of society, so that society can identify with this direction of ideological activity.

[Question] In bureaucratic structures it is difficult to shift to new methods of activity. Will not this new program require new people for its effective realization?

[Answer] The best solution will be a proper form of development, and proper preparation of people who will be engaged in these problems. Because if a

certain subject matter is to be transmitted by a person who first of all does not do this from conviction, secondly does not have the necessary knowledge, and thirdly does not have a predisposition or the competence to convincingly transmit this subject matter, we will not achieve positive results.

[Question] In the current situation when there is still a sharp ideological conflict, when society is subject to manipulation on the part of underground structures of Solidarity and western radio broadcasts, possible errors or insinuations on the part of activists of the ideological department or of party propaganda may have consequences which are difficult to foresee. In terms of the conception of Poland's development, divisions still exist in society.

[Answer] Even the best machine makes mistakes and a person is not so precise in activity as programmed work.

[Question] But on the contrary, work can anticipate the results of its activity.

[Answer] That does not rule out the making of mistakes. But those mistakes must be quickly corrected. However, it can minimize the risk of error if, before undertaking a decision, the problem is discussed with people who are specialists in the given area.

[Question] Will the plenum be able to work out a concrete program?

[Answer] Certainly, there will not be worked out a, as I call it, completed program; a program will be outlined, designating directions of activity. And such program assumptions should be given over to social discussion, so that it is not the creation of a narrow group of specialists but of the widest possible circles of working people. In order that they identify with it, they must know that it is their work. We will be able to realize mutually only this type of program.

Before the plenum we are planning the organization in the plant of a number of meetings at which we will make concrete our proposals and observations. I will be able to present them in the course of the meetings of the plenum not as my own proposals, not even those of the party organization, but of our crew. I must say that many proposals worked out in this way even before the Ninth Congress PZPR, and after the congress, are being introduced for implementation, and several of our proposals are in the statutes of the PZPR. That is, such a method is the most effective and eliminates many errors.

[Answer] It is a kind of paradox that in sociological questionnaire studies, youth accepts the basic values of socialist ideology: democracy, law and order, equality and social justice, civil rights and freedoms, and social care for all, but at the same time they do not relate them to the socialist system to the achievements of our postwar state. For a considerable number of people, socialism means periodically-recurring social and economic crises.

[Answer] These young people, like myself, were born in People's Poland, and do not remember the prewar, capitalist reality. It is true that some people evaluate socialism in our country through the prism of successive crises and not through that of the considerable achievements. From this may originate the

despair and lack of trust in relation to the party program. But as we said, youth accepts the ideals of socialism. That is, it is not against socialism, but it has an erroneous conception of it.

I am not a theorist; I do not want to give an answer as to why that is. From my own experience I can share this reflection. In earlier periods, propaganda operated with big words and slogans; it built visions of a prosperous Poland. Hopes and aspirations of youth as "a generation with great opportunity" were stirred. But this program contrasted glaringly with everyday practice and potentials. In effect, we had another social upheaval and, more tragically, it brought behind it a deep moral crisis for the younger generation. Here it is necessary to look for sources of spontaneous support for Solidarity and a susceptibility to antisocialist slogans. A political opponent took advantage of our weaknesses and of a period of embitterment of society, shaking the whole socialist achievement of Poland.

There was not a decided and effective counteraction on the part of the party, which also lived through some difficult moments. Very serious negligence was seen in ideological work, both among party members and in all of society. The party lost credibility in the most difficult period and the results of this are still evident today.

[Question] How can this credibility be regained?

[Answer] In my opinion socialism is perceived and evaluated above all through the prism of experiences in one's own workplace. If a worker sees that party members, party activists and directors do not care about the development of socialist relations at work, they will not be convinced by television programs, press material and speeches by representatives of the highest authorities. The conception of the party as a whole is developed under the influence of experiences gained from the workplace.

Therefore, very much depends on what kind of environment the young person enters. What position has the party organization worked out for itself in the plant, who is in this organization, and what does it represent? In our organization both a Plant Committee secretary and a rank party member talk with workers at work. Each goes to them himself. And there are no matters too sensitive to discuss.

Direct contacts of party members, at every work position, solve many matters, and above all make credible the activity of the comrades.

A large role could be played by the youth organization, our ally. But from my observations ideological work is given too little time in ZSMP [Union of Socialist Polish Youth]. Also, the forms of activity are not attractive to youth. Organization of courses lasting many hours or of seminars solve the matter only officially. I think that the rich experience of scouting, which has been able to combine an attractiveness of form with an effectiveness of developing patriotic attitudes, could be utilized.

[Question] But what can we propose for these young people - what kind of future, when it is not known when our economy will be equal to the crisis?

[Answer] What could be proposed was already proposed at the Ninth Plenum - joint participation in undertaking decisions concerning the young generation and joint creation of a reality, that is, a part in deciding its future. It is necessary to always keep in mind mistakes made in previous periods. We cannot promise wonders. We will not present visions of success and prosperity. We can only say that, for example, in a month we will have done this and that. We will improve certain areas of work but this must be realistic and done consistently.

[Interviewer] Thank you for the discussion.

9915

CSO: 2600/1284

ROMANIA

GOVERNMENT, PARTY CONCERN ABOUT CORRUPTION

Munich SUDOST-EUROPA in German Jun 83 pp 317-326

[Article by Dionisie Ghermani: "Romania Struggling Against Corruption"]

[Text] Since the late 1960's the Romanian state has been confronted more and more with law violations inherent in the system. For one thing because the discrepancy between the "new socialist man" as propagated by the regime and the real individual desperately struggling for a broadening of the shrunken spheres of freedom has rather increased; on the other hand, because of the increasing decline of trust, even within the ranks of the communist party members, in the competency and integrity of the party leadership.

The catastrophic supply situation since the fall of 1981, plunging the standard of living of broad population strata to the postwar low, has produced a fluid borderline for many people between objectionable crimes and so-called cavalier offenses. Several shoves in 1982 removed from office many top functionaries from almost all economic and administrative sectors for "proven embezzlement of public money," "criminal behavior," or "flagrant disregard for socialist morality and justice."¹ There is no indication that trend could be broken in that, as things are, nothing is going to change in the foreseeable future as far as the causes for the widespread corruption are concerned.

Recourse to Legislation

Even so, regardless of the reversals thus far, nothing has changed the government's confidence in being able to resolve the prevailing problems through laws, orders and decrees. Among the flood of norms issued or passed in the first half of 1983 by the State Council, the Great National Assembly (Parliament) or the president of the republic there also is a new amendment for a law in force that was issued in 1968. Its most important provisions are paraphrased in the following:

Article 1: Acquiring goods through other than legal means constitutes contempt for socialist morality and justice and is prohibited. Illegally acquired goods or, if necessary, their value in lei will have to be turned into government property.

Article 2: In principle, the origin of any natural person's goods may be checked into if there are suggestions or indications that gross disproportions exist

between the value of such goods and the legal income of their owner and he cannot prove the legal acquisition of these goods. The checking of origin pertains to all goods acquired within 15 years prior to the charge raised, regardless of whether they are still owned by the one who acquired them or were sold or given away.

Article 3: Checking into the origin of goods in question proceeds

- (a) on the basis of a written or signed denunciation by a natural person or the management of a socialist unit in which the person so denounced has engaged or still engages in an activity, irrespective of the nature of that activity;
- (b) in consequence of a self-denunciation of a person against whom public indictments have been raised with regard to goods in his possession; and
- (c) upon a request from competent finance and crime investigation organs or from courts in case they have gained knowledge through the exercise of their official functions about the discrepancy between the value of goods and the legal income of their owner. If the owner is married, the check covers also the joint ownership of both spouses.

Article 10: The court ruling on the indictment is composed of two professional judges and three active working persons.

Article 15: In case the person under indictment is a dignitary, the investigation commission is composed as follows:

- two Supreme Court judges appointed by the president of that court; one of them acts as the chairman of the court; and
- a public prosecutor of the general prosecutor's office, one representative of the government audit office, one representative of the finance ministry, two deputies of the Great National Assembly and four active working persons.

Article 16: The investigation commission provided under Article 15 can examine the correctness of the indictment against a dignitary [only] upon authorization from the State Council.

Article 17: Cases as to Article 15 are handled by the Supreme Court. That court is composed of three judges and four active working persons.²

The first version, issued 15 years ago,³ evidently had no effect. For already 5 years later the first amendment⁴ and another 6 years later the second amendment⁵ were issued. The March 1979 amendment differs but slightly from the original version (June 1968) or the second version (July 1973). Some articles are even identical in all four versions, and thus also in the May 1983 amendment, Article 1, for instance. All four versions also have probably deliberately imprecise formulations, leaving broad leeway for the discretion of the court.

For instance, which means for the acquisition of goods are legal or illegal has not been defined. According to the many press comments about the amendments, all one can tell is that only "honest work," or legally authorized recompense (such as bonuses, subsidies or loans) are considered "legal." As since the

early 1970's a normal citizen is allowed wages only, all moonlighting is forbidden, which of course does not preclude the spread of the "second economy" in all conceivable variations. There also continue to be further "legal" opportunities for some privileged strata to get an extra income along with wages. Professors, e.g., can make extra money "legally" through lectures and publications--which is sometimes considerable. All sorts of artists enjoy above-average incomes anyway. "Meritorious" athletes need not worry about their livelihood today either. And the party prominence, along with a high income, enjoys a pronounced power of disposition and many privileges. They especially may be rest assured after the last amendment that in their case the various provisions will be interpreted generously and grandly. Articles 15 and 16 of this law see to it that not each citizen gets prosecuted for any sort of "unlawful enrichment" or that all offenses committed there do not become public ipso facto.

On the History of a Criminal Law

Despite their having maintained the original structure of this criminal law and certain formulations and matters of cases for 15 years, certain changes can be found from amendment to amendment. They reflect the quantitative increase and qualitative differentiation of offenses under investigation and the increasing skepticism of the citizens in all strata toward "socialist ethics." The extremely dense succession of amendments provides also clear evidence, however, for that the regime does not manage to get corruption under control. Rather, the communist party leadership gets confronted with always new forms of offenses and with that cases of corruption in the top party and government organs are increasingly harder to cover up because of the economic crisis and the population's extremely low standard of living and its increasing sensitivity to governmental despotism and abuse of power.

The original version of law No. 18 still provided that merely 80 percent of the monetary value of goods for which an owner was unable to prove "legal acquisition" was to be turned over to the state in the form of an "extra tax." The three subsequent amendments, however, decree that the government gets the full monetary equivalent. They wisely refrained from using the concept of "extra tax" in view of the wealth and increasingly criminal character of relevant offenses. The legislators may have deliberately refrained from giving a close definition of the "equivalency" concept so as not to confine the discretionary margin for the examination commission and courts and not to prejudice their rulings--as it applies to dignitaries. Nor does the last amendment explain whether the "equivalency" concept relates to the new value or to the estimated value at the time of the investigation.

In crass contrast to western jurisdiction, all four amendments burden the accused with the onus of evidence. That is most clearly expressed in the 1979 version. Its Article 2 section 2 says: "The person in question must prove the legal character of the means used for the acquisition or increase of goods (under investigation)." The May 1983 version surprisingly is milder. The person under indictment still must "prove" the legality of his acquisition, to be sure, yet the presumably illegally acquired goods fall under a relatively lengthy term of limitation. The fact is that the 1979 amendment still provided that only those goods that had since 1 January 1968 been acquired possibly by dubious means had

to be checked into for their origin. In the last amendment now the period of limitation was reduced to 15 years, it becoming apparent that this period coincides with the time frame during which this particular law has been in force. It may be suspected that between the time of the original version and this last amendment some matters of corruption were uncovered.

The provision that includes some active working persons in the investigation commissions was first introduced in the 1979 amendment. That is due to the "democratization policy" Bucharest has been practicing, on the surface, since 1977, which provides for including "working people directly engaged in production" in the industrial, agricultural and administrative management organs.⁶ The last version also more or less took over from the 1979 amendment this provision--which by the way is anticonstitutional because it contradicts the equality principle--to the effect that "dignitaries" have to account for the legal acquisition of their goods to the investigating commission only after explicit authorization and, in case the "illegality" of their actions is proven, must face higher tribunals.

Cases of Corruption in the Late 1970's

Already late in the 1970's cases of corruption had accumulated to such an extent that Bucharest had to make a forward dash and pilloried the persons found guilty. Many dailies started their own columns, as for instance the central organ SCINTEIA, reporting on notorious cases under the summary title "Going from the Court into Public Discussion," or "Letters from the Working People to the Party Leadership." The media also gave briefings on more or less harmless swindles. Then readers could find out, for example, what they had become well familiar with already, such as that a waiter in Bucharest's well-known restaurant Hanul lui Manuc charged too much and was watched doing so by a militia officer.⁷

Ordinary journalism included reports which, through their dissemination, illuminated many people's attitude toward "socialist ethics." There came the report, for instance, that some "Eugen Busa, who retired prematurely because he was supposedly ill, in his hometown Mogosoaia devoted himself to the lucrative business of banking. He financed his subsistence from usurious interests."⁸ More serious, if by no means less publicized, were cases like the one of the convicted Panait Munteanu who "abused his position as main bookkeeper in embezzling 122,571 lei within 2 years."⁹

Much is made of such offenses in the press especially when the life-style of the accused causes "public scandal" through ostentation. For instance, they pilloried the "obscure machinations" of some Marin Simion by means of a wealth of detail. Although the accused had only made it to fifth grade and identified himself before the court (only) as an unskilled laborer, his ownership of a "fancy house" (evidently acquired by illegal means) could be proven at a value of 400,000 lei (the average annual income of an unskilled laborer at the time being circa 20,000 lei). Beside, he had a "fortune of millions."¹⁰

To track down the bigger criminals beneath the threshold that separates ordinary citizens from the "dignitaries," the regime systematically incites the "envy of the unpropertied." Such cases especially serve as examples. A convicted confidence man found his nemesis in 1978, for example, by driving a Mercedes 220, in violation of status, a model car normally reserved for high officials and authorized for private persons only in exceptional cases. The

militia purportedly had discovered that the licensed owner of the car was an LPG member and did not know he owned a car. Investigations established that the car actually belonged to a brother of the presumed owner who was engaged in "crooked business" and let other relatives profit from it too. The lion's share of the illegally acquired income the person concerned had of course kept for himself.¹¹

Typical of the time of the turn of the year 1979/80, when Romania's relations with the West were still smooth and western life-styles were highly rated among the population, were the swindles of a certain Gheorghe Bordusan, who acquired French pseudonyms so as to deprive credulous persons, especially women, of their money. As Gigi de Monaco or Raymond Marcel he had repeatedly managed to borrow money which he had no intention to pay back of course, or he had seduced his "clientele" into presumably lucrative investments in pseudo-transactions abroad.¹²

Current Cases of Corruption

Adrian Paunescu, poet laureate of the CP leadership, scores those allegedly loyal party functionaries who presumably are incompetent and yet accept high economic and administrative positions at the expense of the common good.

"Those people are in the exact same position as a driver who drives a car without a license." The "old and harmful idea that everything is all right as long as a person is political okay" should no longer be accepted. He, Paunescu, knew a case, however, where a completely unqualified person was given a position in the cultural sector. That man had announced that he needed 2 to 3 weeks to work himself in. But that--so says Paunescu--was mere dilettantism; he could call it only fraud.¹³

In another article Paunescu attacks those "intellectuals who achieved their college graduation through protection." The consequences often were catastrophic for the whole society, especially if such people--again through protection--get positions in the mass media. Paunescu finds many musical TV and radio programs below criticism. Those pseudo-intellectuals chosen as "competent editors" had nothing else on their mind but to "denounce competent colleagues and attribute deficiencies to them." Paunescu regrets that still today, after 20 years of efforts in doing away with incompetence, all too many "pseudo-competencies" are being created.¹⁴ The question whether the blame lies with granting unjustified preferences or with the system itself is one that Paunescu does not address, of course.

The media also increasingly blame the security apparatus or the party organs and CP functionaries on lower echelons for incompetency and corruption. A local Bucharest paper, for instance, got all excited about that the capital's militia had failed to register a deaf-and-dumb offender who had been committing crimes for some time. Rather, that man was "completely unknown." The paper found that "incredible."

The pure cases of corruption are judged to be much more serious than such inadequacies. One party organ pilloried a former secretary of the party executive in a borough of Moldova Noua for embezzling over 3,000 lei (Author: somewhat more than an average monthly salary). With it, regret is expressed that the official party organizations "often overlook" such cases.¹⁶

The same party journal reports about acts committed by an LPG chairman in North Transylvania. He had allowed passing shepherds, for "high remuneration," to lead their flocks to pasture on the fields of his agricultural production cooperative. When the authorities found out about it, the chairman, "to revenge himself," beat up two shepherds in the middle of the night so that they had to be put into the hospital. The journal raises the question why party comrades in a responsible position would be apt to commit such acts.¹⁷

Also the chief prosecuting attorney of the Dimbovita rural district, a certain Gheorghe Capra, became a public nuisance by the way he conducted himself. He is described as "tough and suspicious" and is said to have thrown out of his office, uttering insults, the prosecutors under him. He had furthermore used for some time privately objects that had been confiscated for evidence. The journal expresses the view that the rural party organization evidently had been "asleep."¹⁸

The railroad management of Constanta harbor even had to get rid of two high functionaries. Both were accused of unscrupulousness and personal enrichment. The party secretary had failed to make arrangements for the repairs his enterprise was charged with to be carried out according to schedule ("some that should have been taken care of in late 1980 still wait to be finished today"); because of these backlogs, his enterprise had been hurt for more than 80 million lei. The director of the enterprise, who also was fired, instead of keeping things running, had "busied himself with his own affairs." The same article also reports about the incompetence and dishonesty of a department chief in the Electroputere enterprise in Craiova, of the director of a wholesale enterprise in Iasi, and others.¹⁹

A teacher in a Bucharest gymnasium attracted particular attention. He forced a pupil to swallow a steel ball because he, in his capacity as spokesman for his class, could not explain why it was found on the floor. The newspaper was amazed: instead of summary dismissal, that teacher got a transfer to a different gymnasium and a promotion.²⁰

Juvenile Delinquency Yesterday

In the spring of 1977 the Romanian CP leadership decided to release and "re-socialize" juvenile criminals in jail below the age of 21. The relevant decree²¹ was praised by the media with hyperbolic epithets as a unique act in the spirit of a humane and, at once, progressive jurisprudence.²² Lawyers, mothers, teachers, members of the militia and working people of all sorts, in enthusiastic letters to the editor, expressed their "unreserved concurrence" with that presumably "trailblazing law amendment." It could also be a model for other countries.²³

Yet as early as in the late summer and fall of the same year, hardly disguised complaints appeared in the daily press about the manner in which that particular decree was being implemented. Toward the end of the year the complaints had reached flood proportions.

Nikolae Ceausescu, the government and party boss, also had no choice at the Fourth RCP Conference, 7 to 9 December 1977, but to bring up this decree and its consequences for discussion. He pointed to the need "to defend socialist property, the wealth of all the people, personal goods, and public tranquility and order" and to ensure "the conditions for a normal development of the people's peaceful work and for the protection of our revolutionary accomplishments." The leadership organs had the educational task "to make each citizen aware of his responsibility and see to it that the norms and laws of social fellowship, discipline and order be respected absolutely." One of the party and state organs' main task was "to prevent people from committing crimes and, in case that did not work, to help them in improving themselves." No one should have the illusion, however, that preventative measures alone would do it. Ceausescu underlined this: "Rather we are under the obligation to oppose by the strictest measures all those who, with disregard for the help they get from the collective within which they engage in their activities, again violate the law. By isolating them from society we protect the community of the working people."²⁴

Two weeks later the daily press published an inventory which by and large repeated Ceausescu's conference statements verbatim, adding some more details about the crime trend in the country. One could learn from it, among other things, that political offenses had practically dropped to zero but that among other crimes only "certain categories" had gone down. Nothing more was said about which "categories" this involved.²⁵

That an unexpected development started after this was revealed by newspaper articles. Already in mid-November 1977 the central Central Committee organ referred to "those brides and bridegrooms who, without residence permit, stealthily enter the capital from the provinces, sponge upon us here at the expense of society, and are ready to commit any kind of crimes." "These eternal passengers through the towns of the country--the temporariness in which they carry on their existence can last a lifetime--often change their address to erase the traces of their wrong ways." Wherever they surface they live as if the laws and regulations did not apply to them. With it, the newspaper raised the question whether the militia did what it should do to preserve the big cities, especially the capital, from this "unwanted mob" or "purge" them of it. The militia had acted "worse than negligently" in many cases. The newspaper addressed the population with the urgent appeal to report at once to official authorities all suspicious persons who obviously were without regular employment. "These parasites as soon as possible belong back to where they came from and where they will no longer be able to exist anonymously on the fringes or outside of the law at the expense of society."²⁶ Thereafter, nothing further was heard about the criminal law reform, as was to be expected.

And Today

The central Central Committee organ regrets that juvenile delinquency to a large degree has its roots in the schools. At several Bucharest highschools it finds a "flagrant lack of discipline" on the part of the pupils, which is evidently being encouraged by the criminal negligence of many teachers. In a 10th grade of a Bucharest highschool all the pupils who came to class in the first place arrived en bloc 10 minutes late. Fourteen pupils had cut class without

excuse. But the schools also were in a poor structural condition: "We must admit that what we have seen in gymnasium No. 20 is something we have seen nowhere before in any other school: Many doors were without doorknobs, windows were smashed, door-frames were broken and so forth." Many teachers were on sick leave, three others who should be teaching were caught gossiping over their cups of coffee. All bodies charged with responsibility had miserably failed: "the grade teachers, the communist youth organization, the school management, the parents advisory committees, the school inspectorate of the municipal district concerned and so forth." The authors of the report indicate that such schools set the premises for the decline in "socialist morality" and for crimes later on.²⁷

Many parents also get a poor grade in that same local paper. It reports that the owner of an apartment discovered early in the morning in the basement several children asleep in a squalid condition. It turned out the blankets they had wrapped around themselves had been stolen out of a car. The investigation later had revealed these children were permanent dropouts, virtually abandoned by their parents, and making their living through theft. One of the children admitted to have started stealing when he was eleven and a half.²⁸

Reports on juvenile delinquency increased in the spring of 1983. These are mostly cases of theft and illegal procedures for examinations. In Cluj-Napoca some teachers managed to interfere with the attempt undertaken by pupils taking admission examinations who provided themselves with "inspiration" from the outside, by radio.²⁹ The same newspaper a few days later reported a case of gang criminality in which children at the average age of 14 took part.³⁰

Any number of such and similar reports could be added to this. There is hardly a day when the daily press does not report on them, abundantly at times. The inference to be drawn is that the regime does not have the problem of criminality of adults, adolescents or children under control.

FOOTNOTES

1. D. Ghermani, "Romania's Domestic Difficulties--Recourse to 'Law and Order' to Spell Relief," SUDOST-EUROPA, 1982, No 2, pp 146-154; "Changing the Guard in the Romanian Leadership Apparatus," Ibid., No 6, pp 345-353.
2. "Law No 18/1968 on Checking the Origin of Goods Not Acquired the Legal Way," BULETINUL OFICIAL AL REPUBLICII SOCIALISTE ROMANIA, No 33, Part I, 10 May 1983 (Amendments).
3. BULETINUL . . . , No 81, Part I, 24 June 1968.
4. Ibid., No 144, Part I, 27 July 1973.
5. Ibid., No 29, Part I, 19 March 1979.
6. Cf. D. Ghermani, "Codetermination in Romania," WISSENSCHAFTLICHER DIENST SUDOSTEUROPA, No 1, 1978, pp 14-16.
7. SCINTEIA, 9 July 1978.

8. Ibid., 24 September 1978.
9. Ibid., 1 October 1978.
10. Ibid., 20 July 1978.
11. Ibid., 29 July 1978.
12. Ibid., 25 July 1978.
13. ROMANIA LIBERA, 4 February 1983.
14. Ibid., 11 February 1983.
15. INFORMATIA BUCURESTIULUI, 22 March 1983.
16. MUNCA DE PARTID, March 1983.
17. Ibid.
18. Ibid.
19. Ibid.
20. ROMANIA LIBERA, 23 March 1983.
21. State Council Decree No 147, BULETINUL . . . , No 45, Part I, 2 June 1977.
22. Cf. D. Ghermani, "The Romanian Criminal Law Reform," WISSENSCHAFTLICHER DIENST SUEDESTEUROPA, No 7, 1977, pp 196-198.
23. SCINTEIA, 2 June 1977.
24. Ibid., 8 December 1977.
25. Ibid. 21 December 1977.
26. Ibid., 15 November 1977.
27. M. Tacciu, L. Gavrilu and A. Ghimpu, "Information Instruction Hour--The Pupils' Discipline as It Is When Looked at Closely," INFORMATIA BUCURESTIULUI, 7 March 1983.
28. Matty, "Minors with Hope, Parents at Sea," Ibid., 15 March 1983.
29. A. Stroe, "Short Circuit Friendship," SCINTEIA Tineretului, 14 March 1983.
30. "Guess What Is Coming Out of the Tunnel," Ibid., ;7 March 1983.

5885

CSO: 2300/409

ROMANIA

TRADE AGREEMENTS WITH CEMA, NON-CEMA COUNTRIES

Bucharest REVISTA ROMANA DE STUDII INTERNATIONALE in Romanian Jul-Aug 83
pp 328-337

/Article by Victor Babiuc and Grigore Florescu: "Effects of International Trade Agreements Upon Legal System of International Trade Contracts"/

/Text/ Romania's international economic relations are being developed on two legal levels, that of the state and that of economic units directly engaged in foreign trade and international economic cooperation. Both are based upon and accurately reflect the constitutional principles of socialist Romania's foreign economic policy of "continuing expansion of political, economic, technical-scientific, and other relations with all countries regardless of their social systems, provided it serves both the all-around economic and social progress of the Romanian people and the prosperity of the other peoples, as well as the general cause of worldwide progress and peace." (1)

The international legislation is secured by economic treaties, accords and agreements (for trade, for cooperation, to guarantee the investments, to avoid double taxation, etc.) that Romania has concluded with various states of the world and, on the level of the economic units directly engaged in foreign trade, by the international trade contracts concluded for that purpose. Of course this legislation is supplemented on the interstate level by the other sources of international public law that might be applicable and, on the level of the contracting units, by the lex contractus that governs the established legal relationship.

Upon examining the interstate legislation of Romania's trade relations, we distinguish two situations, the first applying to most of the states of the world with which Romania has economic relations and with which it has concluded trade agreements, and the second applying to a limited category of states with which Romania has no trade agreements and the legislation for which is mainly provided by the international trade contracts and by the lex contractus.

It has been maintained that there is also a third situation, applying to relations regulated by multilateral international agreements such as the CEMA General Terms for Delivery for 1968-1975. (2)

We do not share this view because the CEMA General Terms for Delivery for 1968-1975 as well as the other General Terms drafted in CEMA are not international agreements. They were adopted by the CEMA member states on the recommendations of the CEMA Standing Commission on Collaboration in Foreign Trade and became effective by virtue of their acceptance by the competent organs in each CEMA member state, which made them national law in accordance with its legislation. To this end some countries ratified decisions of central organs of the state administration (of the Ministry of Foreign Trade in the GDR or USSR, for example) or of central organs of the state power (of the State Council in Romania or of Parliament in the CSR).

Identification of the CEMA General Terms for Delivery for 1968-1975 with an international agreement ignores the distinction between CEMA's recommendations (on the basis of which CEMA CGL 1968-1975 were adopted) and international agreements although they are two distinct methods, according to the CEMA Charter, whereby the CEMA states set legal standards governing economic collaboration within CEMA. There are important differences between recommendations and international agreements, such as their origin, since agreements come from the states that are parties to them whereas recommendations are unilateral acts of the CEMA organs expressing the will of the organs that adopted them; or the way they operate, as agreements become effective by the signature, ratification or approval of the highest organs of the state administration or power while recommendations become effective when accepted by the competent organs in the states that have declared an interest (which organs may be on a level below the said highest ones); or the way they lapse, agreements upon expiration of the period for which they were concluded or by termination, while recommendations do not ordinarily have any effective period and cannot be directly terminated unilaterally.

CEMA CGL 1968-1975 are actually uniform legal standards governing the terms of validity and execution of the purchase and sale contracts concluded between the foreign trade organizations in the CEMA countries (with the value of *lex contractus*), the legal force of which is provided by the legislative enactments whereby each CEMA country has made them national law. (3)

As we said, the international trade agreements (4) do not regulate the legal status of economic relations on the level of the actual participants in international trade (individuals and juristic persons), since that status is determined by the international trade contracts and the law that governs the terms of validity and execution (*lex contractus*). Moreover those agreements include provisions determining the legal force of those contracts in one way or another. We shall summarize them in their essentials:

1. A first category of provisions reflects the idea that the trade operations are based on the international trade contracts required by the trade agreements. Actually these agreements express the intention of the contracting parties (states or governments) to develop exchange of the goods listed in annexes A and B to the treaties as well as the fact that the authorized individuals and juristic persons in both countries will conclude trade contracts for the purpose. For instance, Article 4 of the long-term trade agreement between the governments of Romania and Cyprus in 1979 (5) provides that "The deliveries of goods between the two countries specified in this agreement will be based on contracts concluded between Romanian foreign trade enterprises as independent juristic persons

and the Cypriote individuals and juristic persons." Similarly the 1975 agreement on trade relations between Romania and the United States (6) provides that "Trade transactions will be based on the contracts to be concluded between firms, companies and economic organizations in Romania and those in the United States according to the pertinent laws and regulations," and the trade and payments agreement with the Brazilian government (7) provides that "The trade terms for imports or exports under the present agreement are to be set by the contracts that will be concluded between the Romanian foreign trade enterprises as independent juristic persons and Brazilian firms, institutions and organizations." Examples of various kinds can obviously be multiplied.

The need of the trade contracts is also self-evident: Until the contract is concluded neither the extent of the delivery obligation, nor the place and time of execution, nor the price and mode of payment is specified, nor any other factors without which we cannot be said to be under any obligation and for which the question of responsibility arises if the contract is not executed properly or on time. (8)

2. However, other rules governing international trade contracts also follow from the content of formulations like the foregoing that are entered in trade agreements:

- The first one concerns recognition of the juristic personality of the Romanian foreign trade enterprises that are to conclude the international trade contracts essential to execution of the trade agreement. The procedure is obviously important to relations with states that do not fully recognize foreign juristic persons' juristic personality (not true of Romania).

- The second one concerns the competence of the subjects to conclude international trade contracts. The juristic personality of the Romanian parties and of those in the other country with which the trade agreement was concluded exists insofar as each one's national law has established it. In other words it is the national law that determines who has juristic personality as well as the juristic persons that are competent to exercise the right to engage directly in foreign trade, which rule is indirectly established by the trade agreements.

(9) According to Romanian international private law, the *lex patriae* is the national law that governs the juristic persons' competence to use and exercise the right by determining their suitability to perform foreign trade operations directly (Article 2, Paragraph 2 of the Civil Code, the application of which has been extended to juristic persons). (10) Moreover the competence of individuals and juristic persons to contract is determined not only by the law on personal or corporate status, enacted according to the standards of conflict, but also by the standards set by states for the legal status of foreign individuals and juristic persons.

- And finally one more rule, resulting from juristic personality, concerns the material responsibility of the Romanian foreign trade enterprises for the obligations assumed in the trade contracts. Regardless of the designation taken (foreign trade enterprises or organizations, companies or firms) or whether they are declared "independent" or merely juristic persons, the texts clearly convey the idea of the juristic personality of these enterprises, distinct from the Romanian state and with the resulting consequences concerning their execution

of the assumed obligations and their material responsibility for the way they execute them. Consequently the state is not responsible for obligations assumed by Romanian foreign trade enterprises just as the latter are not responsible for any possible obligations of the state. (11) In this connection, the 1980 trade agreement between the Romanian and Cameroon governments (12) provides that "The aforesaid individuals and juristic persons assume the entire responsibility for their trade transactions" (Article 5), and the trade and payments agreement with Brazil even provides that "Execution of the contracts will not entail responsibility of the two governments unless they are parties to said contracts" (Article 5, Paragraph 2).

3. The international trade agreements not only require trade contracts to be concluded but anticipate the general objective by specifying the goods that will be bought or sold (lists A and B attached to the agreements).

But a distinction is to be made in connection with these lists.

In the case of the socialist countries, the goods are obligatory that are bought and sold and specified in terms of quantity and value in the long-term trade agreements and annual protocols, which means that they can and must be entirely contracted for by the foreign trade enterprises in the two countries. (13) In other words, the obligatory character of the goods entered in the trade agreement pertains to the interstate level of relations, while the foreign trade enterprises' obligation to deliver flows solely from the contract. On the other hand those quantities and values are minimal, so that the foreign trade enterprises can also conclude valid contracts for goods or values other than those specified in the trade agreement and annual protocol. Concerning this kind of contract, a decision of the Arbitration Commission under the Romanian Chamber of Commerce and Industry states that "For the foreign trade enterprises as subjects of the legal relationship of foreign trade, the obligation to deliver flows from the foreign contracts they conclude and not from the annual protocols. The trade agreements and protocols specify only the goods and minimum quantities that will be delivered between two socialist countries within a given period of time, since the foreign trade enterprises may ... depending on resources, conditions and interests, also deliver goods or quantities other than those specified in the trade agreements. (14)

The situation is different in the case of trade agreements concluded with non-socialist countries, since the lists of goods are only provisional. For instance Article IV of the trade and payments agreement with Brazil provides that "The trade exchanges will be made in accordance with lists A and B indicating goods and products and attached to the present agreement," while Article II of the general trade agreement between the Romanian and Bangladesh governments in 1979 (15) provides that "The deliveries of goods ... will be based on the attached provisional ... lists" and, further on, that "Lists of goods A and B ... are not restrictive." (16) In other words, the dealers in both countries will be able to contract for the goods on the lists attached to agreements but those lists are not obligatory or restrictive and any other goods may also be contracted for.

Sometimes the agreements also indicate the quality of the goods bought and sold. The general trade agreement with Bangladesh provides that the quality of the

goods "will conform to acceptable standards" (Article VI), which we take to mean the customary average quality in the respective countries. Of course the quality of the goods is usually determined by contract, either expressly or by *lex contractus*.

4. Trade agreements usually contain provisions concerning the prices of the goods that are bought and sold as well as the currency of payment.

For instance the agreement with Cyprus provides that "The contracting parties will make every effort to base the prices of the delivered goods ... on world market prices, that is according to the standards of the world market for comparable products." In the trade and payments agreement with Brazil the formulation is more definite and more developed: "The prices of the goods and products to be exchanged between the two countries will be set in the respective contracts ... on the basis of the international quotations for goods and products of equal or comparable quality. Competitive international prices of comparable products will be charged for products and goods without standard quotations on the world market." (17) In other words the prices charged on the typical markets for the respective goods will be taken as reference points in the contractual agreement on prices. Sometimes, although less often, the treaties also consider the criterion of the profitability of the prices to be charged. Thus the general trade agreement with Bangladesh provides that the contractual prices "shall be remunerative for the seller and acceptable to the buyer..." (Article 8), meaning not only that the price levels on the typical market will be considered, but also that the prices agreed upon by the parties can be corrected to make them remunerative for the seller and acceptable to the buyer. But we think the provisions in the agreements concerning the way the prices are set are tentative because there are no means of enforcing them on the individuals and juristic persons and also because of the very element of approximation in the criterion set by the agreements.

And sometimes the trade agreements also provide that it is permissible to include clauses to maintain the value in international trade contracts, such as the clauses for hardship and indexing or revising the prices. For example, the 1979 trade agreement between the Romanian and Guatemalan governments provides (18), "The two contracting parties are agreed that clauses concerning the foreign exchange quotation and clauses to counteract fluctuation of prices shall be entered in the contracts to be concluded between the enterprises and firms of the two countries. Obviously such clauses, particularly characteristic of long-term contracts, are especially necessary in relations with the countries whose legislation prohibits such clauses in trade contracts, and they can be included in the texts of trade agreements. However Romanian legislation does not prohibit such clauses." (19)

Payment of the price (payment currency) is made in freely convertible currency, usually chosen by the parties at will. For instance the 1975 agreement for trade and industrial and technical cooperation between the Romanian and Australian governments (20) provides that "All payments in the trade between the two countries will be made in convertible currency ..." (Article VII). We find a similar provision in the above-mentioned agreement with Bangladesh. The trade agreement with the United States contains alternative provisions, to the effect that "All financial transactions shall be in U.S. dollars or in any freely convertible currency agreed upon." (Article VI, Paragraph 2) (21)

Note that in relations between socialist countries, the trade agreements contain no provisions concerning the way the prices are set, this being done according to the methods approved at the Ninth Session of CEMA and modified in 1975, nor any concerning the payment currency, which is the transferable ruble unless otherwise agreed by the contracting parties.

5. International trade agreements usually contain provisions not only for exchanges of goods but also for reexport of those goods to other countries. Most agreements permit reexport with the previous consent of the country of origin of the respective goods. Article XI of the trade and payments agreement with Brazil, Article 7 of the long-term trade and payments agreement with Zimbabwe, or Article 9 of the trade agreement with Cyprus are examples. Sometimes this consent is required to be in advance and in writing (Article V of the general trade agreement with Bangladesh).

There are also cases where reexport is prohibited, as provided by the long-term trade and payments agreement between Romania and India for the period of 1976-1980 (Article XI) (22), and causes cancellation of any different contractual agreement. In other cases trade agreements contain no provisions concerning reexport (like the trade agreement with the United States for example), permitting the parties to contract at will according to the nature of the goods and their interests.

6. Most trade agreements call for the most favored nation system, unconditionally, reciprocally and without exception, like the 1975 trade agreement with Gabon (23) or the one with Australia for example, or with the traditional exceptions for small border traffic and customs unions or free exchange zones, as in Article 2 of the trade agreement with Cyprus, for example.

But there is a tendency to except advantages or facilities other than the traditional ones from the most favored nation system. A first new category of excepted advantages or facilities is made up of those to be granted under arrangements for the developing countries. For example, Article III of the trade and payments agreement with Brazil excepts the advantages, exemptions and facilities which "c) each contracting party has granted or will grant under the multilateral trade arrangements among developing countries in which one of the contracting parties does not participate, including those made under the auspices of GATT." We also find similar provisions in the long-term trade and payments agreement with Bangladesh (Article V, Paragraph d) and in the trade agreement with Guatemala (Article I). It is a clause indicative of the effort to promote the developing countries' exports as a means of stimulating their economic development as part of the effort to establish a new international economic order. A second category of exceptions concerns goods originating in a country that is not a beneficiary of the most favored nation system. For instance Article 3 of the trade agreement with Cameroon provides that the most favored nation treatment will not be applied "c) to goods emanating from the territory of one of the contracting parties but originating in a third state to which the other party does not grant the most favored nation treatment. Moreover this provision does not apply in case of delivery of materials and equipment largely originating in the territory of one of the contracting parties." It is a clause that obviously determines the system applicable to the goods according to their origin.

To be sure the most favored nation treatment, with good effects upon development of trade exchanges between countries that grant it, does not directly affect the legal system of international trade contracts. But we think it can have an indirect effect, especially as regards the price of the goods sold (because lower customs duties, for example, permit lower prices), granting export or import licenses, or harbor facilities. In other words, the most favored nation treatment has no direct effect upon the goods that are bought and sold or, in general, upon the content of the contract, but it has quite important consequences for the price of the goods and the general terms on which international trade contracts are concluded and executed.

7. International trade agreements contain no provisions concerning the law applicable to the trade contracts that will be based on them. Therefore the contracts will be governed by the law upon which the parties will agree on the principle of *lex voluntatis* (except for contracts concluded with foreign trade organizations of socialist CEMA countries, which will be governed by CEMA CGL 1968-1975, and with those of other socialist countries such as Albania or the CPR, which will be governed by the General Bilateral Terms.

But the trade agreements contain repeated references to the laws and regulations in force in the respective countries, and especially to the system of export and import licensing, exemptions from customs duties for temporary imports, the system of payments in foreign exchange, etc. Therefore the regulations to which these provisions in the agreements refer are not those of civil law, which would govern the international trade contract as *lex contractus*, but regulations of administrative or financial law, customs law etc. (24) and consequently standards that must be applied and may affect the execution of the respective contracts.

On the other hand some treaties also contain provisions capable of another interpretation. Thus Article IV, Paragraph 2 of the trade agreement with Guatemala provides that "The trade operations ... will be performed in accordance with the import and export regulations in force in both countries." Personally we feel such provisions reflect the same idea of observing the regulations of administrative, constitutional and other law in both countries as regards imports and exports and certainly do not mean automatic application of the regulations of civil law in both countries to contracts concluded in execution of the respective trade agreement, which contracts will be governed by the law chosen by the parties on the principle of *lex voluntatis* or determined by the trial court according to the standard of conflict of authorities. Furthermore these clauses in trade agreements reflect, on the one hand, the principle of applying the standards for the legal status of foreigners (individuals and juristic persons) and those for activity on the other state's territory and, on the other hand, the principle of equality of various states' legislation regardless of their economic and social systems or levels of economic development, as a consequence of their sovereign equality.

8. Settlement of possible disputes that might arise over the international trade contracts is not ordinarily a purpose of regulating trade agreements. Yet sometimes such provisions occur. For instance the 1975 trade agreement between Romania and Indonesia (25) provides that "Any disputes arising from execution of or in connection with the concluded contracts ... will be settled according to

the arbitration clauses agreed upon in each contract and by the parties to the dispute" (Article X). The trade agreement with the United States (Article VIII) also contains provisions about resorting to arbitration to settle any possible disputes in connection with or resulting from the contract, even indicating the applicable arbitration rules (of the Arbitration Court under the International Chamber of Commerce in Paris) and the place of arbitration (in a country other than those of the parties).

We believe the significance of these provisions is that which follows strictly from the texts of the treaties, namely that of resorting to arbitration as a way of settling disputes and adapting the arbitration rules of the Arbitration Commission under the International Chamber of Commerce in Paris, the place of arbitration to be a country other than those that are parties to the treaty. Consequently the parties are free to agree upon the other elements needed to settle possible disputes (the competent arbitration court, the number of judges, the appropriate procedure etc.). Moreover if the parties do not agree in supplementing or interpreting the provisions of the trade agreement, the public law remedies apply.

9. A final question concerns the possible effect of the trade agreement upon the legal force of contracts concluded before the agreement went into effect and upon that of contracts concluded while the agreement was valid but not entirely executed before it expired.

Of course trade contracts concluded before the trade agreement are valid and legally binding as long as they are valid, whether or not that period coincides with that of the agreement's validity. The legal force of those contracts can be affected according as the provisions of the agreement are binding or not. As in our foregoing discussions, we are obviously not referring to administrative, financial, customs and other provisions, which are standards that must be applied and there is no question as to their application to the contracts under execution. We are referring to civil law provisions, which are generally supplementary in nature and cannot modify the contractual ones agreed upon by the parties. Furthermore, while the contracts are being executed the parties can avail themselves of such provisions in the trade agreement as those concerning recognition of the juristic personality of the participants in the legal relationships of foreign trade.

As for the period after trade agreements have expired, the latter usually provide that contracts concluded while the agreement is valid will continue to have the legal force flowing from the agreement until the contractual obligations are entirely fulfilled. Thus Article 11 of the trade agreement with Cameroon provides that "In case of termination, the provisions of the present agreement will be applicable to contracts which are concluded while the present agreement is valid but which have not been executed before it expires." Of course the quoted clause does not distinguish between the rules of civil law entered in the agreement and those of any other kind, since they are all applicable to contracts concluded under the agreement until those contracts are completely executed.

In conclusion, the examination of some trade agreements Romania has concluded with various states of the world indicates that those agreements contain civil

law standards that affect the legal force of the international trade contracts but that those standards are relatively few in number, so that the legal force of the international trade contracts will always be mainly secured by the *lex contractus*.

FOOTNOTES

1. Nicolae Ceausescu, "Report to the 12th CPR Congress," Political Publishing House, Bucharest, 1979, p 101.
2. M. Jacota, "Regulation of Foreign Trade Operations in International Agreements Concluded by Romania," INSTITUTII DE DREPT COMERCIAL, Academy Publishing House, Bucharest 1973, pp 177-178.
3. See V. Babiuc, "Legal Nature of the CEMA General Terms," REVISTA ROMANA DE STUDII INTERNATIONALE, No 2, 1981, pp 141-146.
4. Our discussions refer solely to the bilateral trade agreements concluded by Romania with various states of the world.
5. Approved by HCM /Decision of the Council of Ministers/ No 30 of 1979, published in BULETINUL OFICIAL /BO/, No 15, 15 Feb 1975.
6. Approved by Decree No 101 of 1975, BO No 89, 6 Aug 1975.
7. Approved by HCM No 781 of 1975, BO No 94, 28 Aug 1975.
8. Article 18 of Law No 1 of 1971 requires conclusion of the contract in writing.
9. See also O. Capatina, "Status of Foreign Juristic Persons in Romania," Academy Publishing House, Bucharest, 1979, p 159.
10. See also Paragraph 1 of Annex III to the trade agreement with the United States.
11. See also Article 37 of Decree No 31 of 1954 on individuals and juristic persons.
12. Approved by HCM No 163 of 1980, BO No 92, 27 Oct 1980.
13. Without any known judicial action requiring them to contract.
14. Decision No 15 of 4 Mar 1977, quoted by I. Moroianu and V. Babiuc, "Survey of Arbitration Procedure of Arbitration Commission Under Romanian Chamber of Commerce and Industry," REVISTA ROMANA DE DREPT, No 10, 1977, pp 72-73.
15. Approved by HCM No 20 of 1979, BO No 8, 22 Jan 1979.
16. For example, Article 4 of the 1980 long-term trade and payments agreement between the Romanian and Zimbabwe governments, approved by HCM No 173 of 1980, BO No 98, 17 Nov 1980, is to the same effect.

17. See also Article 5 of the trade agreement with Cameroon and Article 4 of the long-term trade and payments agreement with Zimbabwe.
18. Approved by HCM No 209 of 1979, BO No 93, 1 Dec 79.
19. See I. Rucareanu, V. Tanasescu and V. Babiuc, "Long-Term International Trade Contracts," *STUDII SI CERCETARI JURIDICE*, No 3, 1980, p 245 ff.
20. Approved by HCM No 568 of 1975, BO No 63, 16 May 1975.
21. Article 8 of the trade and payments agreement with Zimbabwe or Article 7 of the trade agreement between the Romanian and Swedish governments, approved by HCM No 202 of 1980, BO No 116, 26 Dec 1980, is to the same effect.
22. Approved by HCM No 19 of 1976, BO No 5, 2 Feb 1976.
23. Ratified by Decree No 121 of 1975, BO No 116, 5 Nov 75.
24. To the same effect, see M. Jacota, *op. cit.*, pp 183-184.
25. Approved by HCM No 258 of 1975, BO No 35, 9 Apr 1975.

5186

CSO: 2700/298

- END -